

VERBATIM**RECORD OF TRIAL²**

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

[Redacted]PFC/E-3

Headquarters and

Headquarters Company,

United States Army Garrison

(Unit/Command Name)

(Social Security Number)

(Rank)

U.S. ArmyFort Myer, VA 22211

(Branch of Service)

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012,
 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012,
 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012,
 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013,
 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013,
 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013,
 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013,
 16 August 2013, and 19-21 August 2013.

¹ Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)² See inside back cover for instructions as to preparation and arrangement.

MAJ Hurley,

I also apologize for keeping you on the phone for so long. I was on the other line and could not hang up. If my previous email does not answer the mail for your call, please call back. Thanks!

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 10:38 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

I would like to get this deal as soon as possible. I am in a place that allows for easier printing than the Meade TDS office.

tth

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP

MAJ Hurley,

We have finished our draft OTP, but we have to give it to the SJA first. He left late this afternoon to take his wife to the airport for her return to Afghanistan. We plan on presenting him with it first thing tomorrow morning and will have it out the door once he signs off. I can explain each paragraph with you over the phone if you would like, tonight or tomorrow morning. I apologize for this but we are trying to work around his schedule which should normalize starting tomorrow.

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MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Tuesday, April 09, 2013 11:41:00 AM
Attachments: 20130409-OTP for Defense v2.pdf

Full OTP with Page 5.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 11:34 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

Your apology is not necessary. I didn't get page 5 of this deal.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 09, 2013 2:48 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Hurley,

I also apologize for keeping you on the phone for so long. I was on the other line and could not hang up. If my previous email does not answer the mail for your call, please call back. Thanks!

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Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

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tfh

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP

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From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Tuesday, April 09, 2013 11:34:21 AM

MAJ Fein

Your apology is not necessary. I didn't get page 5 of this deal.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 09, 2013 2:48 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
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From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Tuesday, April 09, 2013 10:48:00 AM

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From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorris, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: OTP
Date: Tuesday, April 09, 2013 10:46:00 AM
Attachments: 20130409-OTP for Defense_v1.pdf

MAJ Hurley,

Attached is our draft OTP that we just cleared with the SJA. This is our 99% proposal because we still need to conduct the final edit. Also, we left out identifying information purposefully until the last iteration. Please let us know what, if any, sections you would like to discuss or get clarification on.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 10:38 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: RE: OTP

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From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: OTP

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v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Tuesday, April 09, 2013 10:40:00 AM

Scanning and sending.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, April 09, 2013 10:38 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP

MAJ Fein

I would like to get this deal as soon as possible. I am in a place that allows for easier printing than the Meade TDS office.

tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP

MAJ Hurley,

We have finished our draft OTP, but we have to give it to the SJA first. He left late this afternoon to take his wife to the airport for her return to Afghanistan. We plan on presenting him with it first thing tomorrow morning and will have it out the door once he signs off. I can explain each paragraph with you over the phone if you would like, tonight or tomorrow morning. I apologize for this but we are trying to work around his schedule which should normalize starting tomorrow.

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MAJ Fein

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: OTP
Date: Tuesday, April 09, 2013 10:37:58 AM

MAJ Fein

I would like to get this deal as soon as possible. I am in a place that allows for easier printing than the Meade TDS office.

tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 08, 2013 10:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP

MAJ Hurley,

We have finished our draft OTP, but we have to give it to the SJA first. He left late this afternoon to take his wife to the airport for her return to Afghanistan. We plan on presenting him with it first thing tomorrow morning and will have it out the door once he signs off. I can explain each paragraph with you over the phone if you would like, tonight or tomorrow morning. I apologize for this but we are trying to work around his schedule which should normalize starting tomorrow.

v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: OTP
Date: Monday, April 08, 2013 6:52:00 PM

MAJ Hurley,

We have finished our draft OTP, but we have to give it to the SJA first. He left late this afternoon to take his wife to the airport for her return to Afghanistan. We plan on presenting him with it first thing tomorrow morning and will have it out the door once he signs off. I can explain each paragraph with you over the phone if you would like, tonight or tomorrow morning. I apologize for this but we are trying to work around his schedule which should normalize starting tomorrow.

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MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McAmb, Amber M SGT USARMY MDW (US); Parra, Jairo A (IP) CW2 USARMY USAMDW (US); Carskadan, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Aleg) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: FW: defense nonlocal witnesses (UNCLASSIFIED)
Date: Monday, April 08, 2013 2:41:00 PM

MAJ Hurley,

I am sorry I could not make our meeting. I had a phone meeting in reference to our 802 last week and could not change. Joe updated me about your chat. As far as the quantum is concerned, the SJA did not feel that 25 years and no fine was appropriate. He was still hovering on 30 years, and had not considered a limitation on the fine.

Please see the below for a breakdown of the sentencing witnesses. When asked, we gave the SJA a macro-level rundown of these witness numbers. Also note, that our witness list only accounts for Sentencing witnesses under the assumption there is a contested merits portion. Our allocation of witnesses for sentencing will change if there is a deal, thus the agreed upon witnesses will also change. Based on the below, it appears there are 30 out of town witnesses (more than 50 miles from Fort Meade). It would seem that one-quarter (8 persons) of the witnesses would be reasonable for in-person testimony and no international witnesses (based on interruptions to unit deployments, cost savings, and coordination across time zones), although we will of course coordinate for telephonic testimony of the remainder on the witnesses.

Thanks!

v/r
MAJ Fein

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US)
Sent: Monday, April 08, 2013 12:39 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: FW: defense nonlocal witnesses (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gents:

Here is the breakdown of D out of town witnesses: 30 out of town witnesses, assuming Ms. VanAlystne is local, with 6 of those 30 being international; 5 of those 30 out of town witnesses (with 2 of the 5 being international) are listed on our witness list for sentencing as well. The details are below.

Defense Out of Town Witnesses:

Galbraith;
Benkler;
Moulton;
Worsley;
Mitchell;
Defrank (Cooley);
Antolak;
Freeburg;

Balonek;
Miller;
Gaab;
Major;
Milliman;
Clausen;
Dreher;
Madaras;
Kerns;
Lamo;
Fields;
Adkins;
Padgett;
Showman;
Walsh;
CPT Michael Johnson (AK)

International:

Keay
Cherepko;
Schwab;
Fulton;
Sadler;
Ehresman (still in Korca?)

Defense Local Witnesses:

Lim
Debra Van Alystne
Ganiel
Smith
Davis
Cindrich?
Hall
COL Dick Larry (rebuttal)

Overlap Between Defense and Pros for Sentencing (listed above as well):

Showman
Adkins
Miller
Fulton (international)
Cherepko (international)
Lim (local)

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Aleg) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: SJA MTG
Date: Monday, April 08, 2013 11:35:00 AM

MAJ Hurley,

We will meet you downstairs to discuss. I think there is some confusion here. If we are both calling witnesses, I agree that it would be odd to limit the accused to a certain number of common witnesses; however if there is a deal, we highly doubt there are many common witnesses so this becomes a resourcing issues for production and not a limitation of evidence presentation. We will have the two witness lists at our meeting to discuss.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, April 08, 2013 11:06 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: RE: SJA MTG

MAJ Fein

We haven't discussed this provision in any way with PFC Manning. As I said last Monday, we have discussed the deal and its provisions generally. I have no idea how he will react to this provision.

A number would be difficult. For instance, does it count against our total if we are both calling these witnesses?

Our position would be that, in this case, no limitation on production (besides those that exist already) is reasonable. We are concerned already that this deal will limit our presentation. Limiting production of out-of-town witnesses will further heighten that concern.

From my perspective, the resolution on this deal is your including the most generous language the SJA can support. You would then forward us that document in Word format in case Manning doesn't want to agree to that language. We recognize that deviation from approved language courts disapproval of the deal.

We can talk about this in person when I come by at 1300 to p/u some discovery.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, April 05, 2013 7:52 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Subject: SJA MTG

MAJ Hurley,

We sat down with the SJA this afternoon for about 2.5 hours to discuss the two different OTPs and their provisions. Overall, the SJA supports the "no quantum" deal that you, me, and Joe agreed upon during our meeting last week.

With his guidance, we will draft the proposed PTA, run the document by him again, and should have it to you by COB Monday to share with your client. The SJA's interest is in having this deal resolved as soon as possible, with buy-in from everyone on the defense.

Finally, the SJA asked about a standard condition in MDW PTAs that we never addressed during our meetings-limiting the number of out-of-town witnesses for sentencing. Normally MDW limits funding out-of-town travel to one defense witness; but, we all agreed that does not seem reasonable in this case. We told the SJA we would get back to him on what a reasonable number would be after discussing with you. Could you please discuss with the defense and let us know? Of course, this would not limit the defense's ability to call the witnesses for telephonic testimony, just limiting travel.

If you would like to discuss over the weekend, please let me know.

Thanks and have a good weekend!

v/r
MAJ Fein

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: SJA MTG
Date: Monday, April 08, 2013 11:05:56 AM

MAJ Fein

We haven't discussed this provision in any way with PFC Manning. As I said last Monday, we have discussed the deal and its provisions generally. I have no idea how he will react to this provision.

A number would be difficult. For instance, does it count against our total if we are both calling these witnesses?

Our position would be that, in this case, no limitation on production (besides those that exist already) is reasonable. We are concerned already that this deal will limit our presentation. Limiting production of out-of-town witnesses will further heighten that concern.

From my perspective, the resolution on this deal is your including the most generous language the SJA can support. You would then forward us that document in Word format in case Manning doesn't want to agree to that language. We recognize that deviation from approved language courts disapproval of the deal.

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To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: SJA MTG

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MAJ Fein



From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Florinda White (UNCLASSIFIED)
Date: Sunday, April 07, 2013 7:48:00 PM

Josh,

We will take a look tomorrow and get back to you.

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Friday, April 05, 2013 3:31 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: Florinda White (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

The contact number for Florinda White (AKA Witness 129) is not working. Do you all have an updated number for her?

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Act, 5 U.S.C. §552a. Improper disclosure of protected information could result in civil action or criminal prosecution.

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadan, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Ales) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: SJA MTG
Date: Friday, April 05, 2013 3:52:00 PM

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We sat down with the SJA this afternoon for about 2.5 hours to discuss the two different OTPs and their provisions. Overall, the SJA supports the "no quantum" deal that you, me, and Joe agreed upon during our meeting last week.

With his guidance, we will draft the proposed PTA, run the document by him again, and should have it to you by COB Monday to share with your client. The SJA's interest is in having this deal resolved as soon as possible, with buy-in from everyone on the defense.

Finally, the SJA asked about a standard condition in MDW PTAs that we never addressed during our meetings- limiting the number of out-of-town witnesses for sentencing. Normally MDW limits funding out-of-town travel to one defense witness; but, we all agreed that does not seem reasonable in this case. We told the SJA we would get back to him on what a reasonable number would be after discussing with you. Could you please discuss with the defense and let us know? Of course, this would not limit the defense's ability to call the witnesses for telephonic testimony, just limiting travel.

If you would like to discuss over the weekend, please let me know.

Thanks and have a good weekend!

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Miroka, Katherine F CPT USARMY (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: Florinda White (UNCLASSIFIED)
Date: Friday, April 05, 2013 3:31:28 PM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

The contact number for Florinda White (AKA Witness 129) is not working. Do you all have an updated number for her?

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Combs"
Cc: Hurley, Thomas F MAJ USARMY (US); Topman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Miroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US)
Subject: Discovery
Date: Friday, April 05, 2013 7:23:00 AM

David,

Yesterday we sent out the below discovery based on our continuing requirements.

Classified: FedEx to NWC (7994 4645 2120) containing reproduced enemy files and information originating from our witnesses (BATES #: 00527227 – 00527310).

Unclassified: FedEx to your Office (7994 4642 0158) containing information originating from our witnesses and photos of physical evidence (BATES #: 00527311 – 00527618).

We will deliver the same to MAJ Hurley this morning.

v/r
Ashden

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: RE: Government Filing
Date: Thursday, April 04, 2013 1:18:04 PM

Thank you.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Thursday, April 4, 2013 1:01 PM
To: David E. Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: RE: Government Filing

David,

The meeting is at 1500 and the call instructions are the same. We are meeting Josh at 1455 and not 1655.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Thursday, April 04, 2013 12:27 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
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von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: RE: Government Filing

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v/r
MAJ Fein

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Subject: Re: Government Filing

Received. Please deliver all unclassified motion/attachments to me at MDW courtroom as soon after 0900 as possible.

Thank you.
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Sent: Thursday, April 04, 2013 12:22 AM
To: Lind, Denise R COL USARMY (US)
Cc: David E. Coombs <coombs@armycourtmartialdefense.com>; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: Government Filing

Ma'am,

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2. OCA Classification Guides [unclassified] attached.
3. Grunden Motion with OCA Classification Guides Pinpoint Cites attached.
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5. Article 32 Transcript of SA David Shaver w/ Codeword Substitutions [classified SECRET//NOFORN] and sent via SIPR.
6. Webpage Screenshot #1 attached.
7. Webpage Screenshot #2 attached.
8. Webpage Screenshot #3 attached.
9. Email from Mr. Coombs, 12 Mar 13 attached.

We will deliver a copy of the classified enclosures to your office tomorrow morning and have a copy available for you during the RCM 802 conference. We sent Enclosures 4 and 5 to the defense security experts via SIPR and will deliver a copy to the defense tomorrow, although they should already have a copy of SA Shaver's testimony in the Article 32 transcript.

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Government Filing (UNCLASSIFIED)
Date: Thursday, April 04, 2013 1:02:07 PM

Classification: UNCLASSIFIED

Caveats: NONE

Roger, thanks.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, April 04, 2013 1:00 PM
To: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Government Filing (UNCLASSIFIED)

Josh- I wish I was that funny with the time issue but that was a mistake. When you drive through the main gate next to the OSJA (on the right), the first big building on your left is the HQ. The CG's flag is out front of the building. Just park wherever you can and walk towards the OSJA, then cross the street diagonal from the OSJA and that is the building. We will see you out front, so if you are lost just call my bb at 202-450-8230.

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, April 04, 2013 11:54 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Government Filing (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

FYI: My internet is down or I would look this info up myself. Email still works for some reason. Strange.

v/r

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Sent: Thursday, April 04, 2013 11:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: 'coombs@armycourtmartialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: RE: Government Filing

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v/r
MAJ Fein

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Cc: 'coombs@armycourtmartialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: Re: Government Filing

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courtroom as soon after 0900 as possible.

Thank you.

D

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Sent: Thursday, April 04, 2013 12:22 AM
To: Lind, Denise R COL USARMY (US)
Cc: David E. Coombs <coombs@armycourtmartialdefense.com>; Hurley, Thomas F
MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III
CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka,
Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft
McNair mdw Mailbox MDW Court Reporters OMB
Subject: Government Filing

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v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

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Caveats: NONE

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To: [\[David E. Coombs\]](#)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Government Filing
Date: Thursday, April 04, 2013 1:00:00 PM

David,

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v/r
Ashden

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Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: RE: Government Filing

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Best,
David

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To: Fein, Ashden MAJ USARMY MDW (US)
Cc: 'coombs@armycourtmartialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: Re: Government Filing

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Thank you.
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Cc: David E. Coombs <coombs@armycourtmartialdefense.com>; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
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v/r
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Subject: RE: Government Filing
Date: Thursday, April 04, 2013 12:28:03 PM

Ashden,

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Best,
David

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v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Government Filing (UNCLASSIFIED)
Date: Thursday, April 04, 2013 11:53:36 AM

Classification: UNCLASSIFIED

Caveats: NONE

FYI: My internet is down or I would look this info up myself. Email still works for some reason. Strange.

v/r

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
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Sent: Thursday, April 04, 2013 11:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: 'coombs@armycourtmartialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: RE: Government Filing

Ma'am,

The Fort McNair location is Conference Room 20, Building 39 (command building). At 1500, we will have a paralegal meet you in front of the OSJA building to walk you over to the location.

CPT Tooman, one of us will meet you at 1655 in front of the command building.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, April 04, 2013 6:40 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: 'coombs@armycourtmartialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
Subject: Re: Government Filing

Received. Please deliver all unclassified motion/attachments to me at MDW courtroom as soon after 0900 as possible.

Thank you.
D

----- Original Message -----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, April 04, 2013 12:22 AM
To: Lind, Denise R COL USARMY (US)
Cc: David E. Coombs <coombs@armycourtmartialdefense.com>; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
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Ma'am,

Attached is the Government's Response to the Defense Request for Example Witnesses. The following are the enclosures:

1. OCA Classification Guides [classified SECRET//NOFORN] [ex parte] and sent via SIPR.
2. OCA Classification Guides [unclassified] attached.
3. Grunden Motion with OCA Classification Guides Pinpoint Cites attached.
4. Article 32 Transcript of SA David Shaver [classified SECRET//NOFORN] and sent via SIPR.
5. Article 32 Transcript of SA David Shaver w/ Codeword Substitutions [classified SECRET//NOFORN] and sent via SIPR.
6. Webpage Screenshot #1 attached.
7. Webpage Screenshot #2 attached.
8. Webpage Screenshot #3 attached.
9. Email from Mr. Coombs, 12 Mar 13 attached.

We will deliver a copy of the classified enclosures to your office tomorrow morning and have a copy available for you during the RCM 802 conference. We sent Enclosures 4 and 5 to the defense security experts via SIPR and will deliver a copy to the defense tomorrow, although they should already have a copy of SA Shaver's testimony in the Article 32 transcript.

v/r
MAJ Fein

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Government Filing (UNCLASSIFIED)
Date: Thursday, April 04, 2013 11:37:00 AM

You should have just received an email I sent to COL Lind. Sorry didn't let you know before.

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, April 04, 2013 11:31 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Government Filing (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Do we have a location for this afternoon? Apologies if I missed it?

Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, April 03, 2013 8:22 PM
To: Lind, Denise R COL USARMY (US)
Cc: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB
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v/r
MAJ Fein

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Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Government Filing (UNCLASSIFIED)
Date: Thursday, April 04, 2013 11:30:46 AM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

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Thanks,
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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From: David E. Coombs
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Cc: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 4:58:18 PM

Sounds good.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Wednesday, April 3, 2013 4:52 PM
To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation

David,

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v/r
Ashden

-----Original Message-----

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To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US)
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Best,
David

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2. Documentary/Digital Evidence originating from Physical Evidence 3. Documentary/Digital Evidence not originating from Physical Evidence 4. Three forms of Charged Documents (if applicable)- original form, as recovered on BM's computers, and as found on WL- this could also be easier if there is one stipulation as to all three forms, rather than the actual document being admitted three times 5. Witness Testimony, by witness

v/r
Ashden

-----Original Message-----

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To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US);
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Cc: Tooman, Joshua J CPT USARMY (US)
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Ashden,

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I don't recall COL Lind asking for more specificity during our 802. All she wanted was to be kept in the loop if certain witnesses were being stipulated to or no longer being called so that she could estimate the length of trial. As such, I would want to tell her that we are still working the issue and that we will provide an update during the next Article 39(a). Your

thoughts?

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fcin.mil@mail.mil]
Sent: Wednesday, April 3, 2013 3:44 PM
To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joc)
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David,

Thank you. Our intent was to send her more specificity based on her guidance in chambers but will send an email based on below.

v/r
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-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Wednesday, April 03, 2013 11:32 AM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US);
Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation

Ashden,

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Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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Please let us know about the CENTCOM sharedrive and the content/format of this final version.

Thanks!

v/r
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From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, April 01, 2013 9:42 AM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY
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Gentlemen

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Let us know if there is anything else you would like to stipulate to. Obviously, we have to report any stipulations to the Court on 3 April.

Thanks.

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Cc: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 4:51:00 PM

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Cc: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 4:50:01 PM

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v/r
Ashden

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Sent: Wednesday, April 03, 2013 3:54 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US)
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Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 4:33:00 PM

David,

Our thought was to follow the below plan for working on stipulations, and if you agree to this plan share it with the Court. The idea is that this is the OML for stipulations which seem to follow a natural progression. Once we finalize 1, we move to 2, and so on. By giving her a joint plan, it will show her that we are actually working on stips and our agree-to-agree is serious.

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Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 3:54:42 PM

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Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 3:43:00 PM

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David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: Tomorrow's 802 (UNCLASSIFIED)
Date: Wednesday, April 03, 2013 3:13:21 PM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

MAJ H and David will be phoning in tomorrow, but I am available for an in-person 802.

Thanks,

Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Cc: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 11:33:11 AM

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Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US)
Subject: RE: Stipulation
Date: Wednesday, April 03, 2013 11:20:00 AM
Attachments: Stipulation of Admissibility (Physical Evidence) (FINAL).pdf

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Subject: RE: stips
Date: Wednesday, April 03, 2013 9:50:16 AM

MAJ Fein

I certainly can. Thanks.

I hate to be pedantic, but this is important. The appropriate spelling for the contraction of the expression "you all" is "y'all."

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, April 03, 2013 1:06 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: stips

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Subject: stip
Date: Wednesday, April 03, 2013 9:06:00 AM

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Subject: RE: Cooperation Language
Date: Wednesday, April 03, 2013 9:03:00 AM

MAJ Hurley,

1. I understand the Lamo issue.
2. For BM, it would probably be worth talking to him at the beginning of next week when he is out here because we probably won't have anything on paper to you until Friday, based on the SJAs schedule and us having to finalize coordination with DOJ. If you would like to fly out this week to get a head start, I am sure we can expedite that processing.
3. Your point makes sense and DOJ would only question him under some type of immunity agreement as I understand the process. But as you point out, there can be no sub rosa agreement or contingency based on a third party in the PTA. We will discuss with DOJ and figure out a way to capture your concern.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Wednesday, April 03, 2013 8:55 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Cooperation Language

MAJ Fein

No, the information would be included in the SoF connected to the deal. We are proceeding in two separate realities - one with a deal and one without.

Do you still want us to go to FLKS and talk this over with Manning at the end of this week?

I asked about the cooperation language because I would want the same immunity grant from DoJ that we get from the GCMCA. For instance, I assume that the GCMCA is going to give Manning testimonial/use immunity under RCM 704(a)(1). Thus, the DoJ official concerned should write an immunity letter. I understand that the GCMCA can't promise to perform this action, so I would probably want it to be an additional cancellation provision for us.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 02, 2013 9:14 PM
To: Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Cooperation Language

MAJ Hurley,

Thank you for such a quick reply. As for Lamo, does your position include if there is a PTA and the logs are included with the forensics, as they were recovered forensically?

We are still working on the cooperation language with input from DOJ. Our goal is to have everything set for tomorrow afternoon to discuss with the SJA, if he comes in. After that I can send you the language.

v/r

MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]
Sent: Tuesday, April 02, 2013 4:48 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: Cooperation Language

MAJ Fein

Do you have the cooperation language completed for the proposed deals yet?
Would you forward it to me if you do?

Also, we are not interested in stipulating to any information related to Lamo. Likewise, we will not be changing our position with the Court WRT the need to call a practice witness to discuss classified information.

Thanks,

MAJ Hurley

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Cooperation Language
Date: Wednesday, April 03, 2013 8:55:05 AM

MAJ Fein

No, the information would be included in the SoF connected to the deal. We are proceeding in two separate realities - one with a deal and one without.

Do you still want us to go to FLKS and talk this over with Manning at the end of this week?

I asked about the cooperation language because I would want the same immunity grant from DoJ that we get from the GCMCA. For instance, I assume that the GCMCA is going to give Manning testimonial/use immunity under RCM 704(a)(1). Thus, the DoJ official concerned should write an immunity letter. I understand that the GCMCA can't promise to perform this action, so I would probably want it to be an additional cancellation provision for us.

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We are still working on the cooperation language with input from DOJ. Our goal is to have everything set for tomorrow afternoon to discuss with the SJA, if he comes in. After that I can send you the language.

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MAJ Fein

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Sent: Tuesday, April 02, 2013 4:48 PM
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Subject: Cooperation Language

MAJ Fein

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Would you forward it to me if you do?

Also, we are not interested in stipulating to any information related to Lamo. Likewise, we will not be changing our position with the Court WRT the need to call a practice witness to discuss classified information.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 5:21:00 PM

Thanks.

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 02, 2013 5:20 PM
To: Fein, Ashden MAJ USARMY MDW (US); Manickam, Samuel V. V. (Sam) CW5
USARMY IMCOM (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ
USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sounds good, sir. Thanks. I will likely have to meet the movers down at Fort Myer.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 02, 2013 5:17 PM
To: Tooman, Joshua J CPT USARMY (US); Manickam, Samuel V. V. (Sam) CW5
USARMY IMCOM (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ
USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Josh,

Chief Ford or I will let you know later on this week once we lock in Friday.
Chief Parra is currently on leave which is why I removed him from this email.

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 02, 2013 3:15 PM
To: Fein, Ashden MAJ USARMY MDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Friday works. What time do you think the move will take place? I will need to coordinate with the folks at Myer, as well as the security folks here.

Thanks for your help.

V/R
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
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Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Sent: Tuesday, April 02, 2013 3:02 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Josh,

We can have the safe moved on Friday or Monday. What day is good for you and Fort Myer?

Thanks!

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Tuesday, April 02, 2013 2:13 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

CW2 Parra,

Good afternoon. We just finished coordinating with our G2 and ready to receive the safe. A place has been identified in CPT Tooman's office and please notify us in advance and so that we will be prepared.

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 5:27 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

The paralegal at Fort Myer, where the safe currently sits, indicated that it is a five drawer.

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 5:24 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Please confirm: Is it 5 or 4 drawer safe? Right now, I have two different information.

Thank you.

V/R,

SAMUEL V. V. MÄNICKAM

CW5, JA

Legal Administrator

Office of the Staff Judge Advocate

Fort Belvoir, Virginia

(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)

Sent: Thursday, March 28, 2013 4:20 PM

To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)

Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)

Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This is a 4 drawer safe.

v/r,

JP

Jairo A. Parra

CW2, JA

Legal Administrator

JFHQ-NCR, MDW

jairo.a.parra@mail.mil

jairo.parra@us.army.mil

jairo.parra@jfhqner.northcom.smil.mil

(202) 685-1975 - Direct

(571) 249-9697 - Blackberry

(931) 572-7632 - Cell

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-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:46 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WOI USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This a good news. Please let me know the model of the lock and is this a 4 or 2 drawer?

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 3:32 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WOI USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

Thanks for your help. One point of clarification; the safe is currently empty. Obviously, I'll put things in it down the road, but there is not anything in it now. It sounds like that should make things easier.

V/R
CPT T

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:26 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WOI USARMY

(US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Good afternoon. Just received a call from CW2 parra and below is what I informed him:

1. Moving a safe is not a matter but materials inside is making this seems like complicated.
2. Even though, the safe is loaned to us, we still have to follow guidance and policies in place by Belvoir G2. I have to coordinate with my G2 to inspect the safe before it can be used.
3. Materials inside? Someone from your end has to do an inventory and follow safeguarding procedure before it arrives here. I don't think you can transport a safe with materials in it but your G2 can answer that. Even if you do, inventory is mandatory. I do have to submit a monthly report to G2 on classified materials. Once it comes to Belvoir, it belongs to Belvoir and I do have to submit a report to a monthly report to G2 including this safe and general description of materials in it.
4. I am the security officer for this office and I do need have a knowledge of what's going on to keep my command in safe hand.
5. DOL: We have two floors and safe is going to be on the 1st Floor. So, I have to coordinate with DOL to see if the first floor can hold the safe. I don't want to put command or office in any jeopardy.
6. Courier: Who is transporting these to the installation and who approved them?

These are mandatory requirements when it comes to classified information especially with your situation. I don't want any small administrative error go south on us.

To do all this, please send me a brief description of the safe and model of the lock. I will coordinate with DOL and G2 with Fort Belvoir for respective actions.

Remember, this weekend is a 4 day weekend and we will try our best for coordination.

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 2:38 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT

USARMY (US)

Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation POCs. I don't want to be the one who is blocking the action but not sure all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend that we take care of this now than later.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US);

Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC, 703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Cc: Wyrrick, Rickey D WO1 USARMY (US); David Coombs; Hurley, Thomas F MAJ USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 5:19:35 PM

Classification: UNCLASSIFIED

Caveats: NONE

Sounds good, sir. Thanks. I will likely have to meet the movers down at Fort Myer.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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To: Tooman, Joshua J CPT USARMY (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Cc: Wyrrick, Rickey D WO1 USARMY (US); David Coombs; Hurley, Thomas F MAJ USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

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Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir

Friday works. What time do you think the move will take place? I will need to coordinate with the folks at Myer, as well as the security folks here.

Thanks for your help.

V/R
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
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Fort Belvoir, VA 22060
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Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Subject: RE: Safe Move (UNCLASSIFIED)

Josh,

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Thanks!

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USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY

(US)

Subject: RE: Safe Move (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

CW2 Parra,

Good afternoon. We just finished coordinating with our G2 and ready to receive the safe. A place has been identified in CPT Tooman's office and please notify us in advance and so that we will be prepared.

Thank you.

V/R,

SAMUEL V. V. MÄNICKAM

CW5, JA

Legal Administrator

Office of the Staff Judge Advocate

Fort Belvoir, Virginia

(703) 805-2347; DSN: 312-655-2347

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From: Tooman, Joshua J CPT USARMY (US)

Sent: Thursday, March 28, 2013 5:27 PM

To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP)

CW2 USARMY USAMDW (US)

Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ

USARMY (US); Fein, Ashden MAJ USARMY MDW (US)

Subject: RE: Safe Move (UNCLASSIFIED)

Chief

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Sent: Thursday, March 28, 2013 5:24 PM

To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Tooman, Joshua J CPT USARMY (US)

Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ

USARMY (US); Fein, Ashden MAJ USARMY MDW (US)

Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Please confirm: Is it 5 or 4 drawer safe? Right now, I have two different information.

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Sent: Thursday, March 28, 2013 4:20 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This is a 4 drawer safe.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.a.parra.mil@mail.mil
jairo.parra@us.army.mil
jairo.parra@jhqner.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:46 PM

To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This a good news. Please let me know the model of the lock and is this a 4 or 2 drawer?

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 3:32 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

Thanks for your help. One point of clarification; the safe is currently empty. Obviously, I'll put things in it down the road, but there is not anything in it now. It sounds like that should make things easier.

V/R
CPT T

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:26 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Good afternoon. Just received a call from CW2 parra and below is what I informed him:

1. Moving a safe is not a matter but materials inside is making this seems like complicated.
2. Even though, the safe is loaned to us, we still have to follow guidance and policies in place by Belvoir G2. I have to coordinate with my G2 to inspect the safe before it can be used.
3. Materials inside? Someone from your end has to do an inventory and follow safeguarding procedure before it arrives here. I don't think you can transport a safe with materials in it but your G2 can answer that. Even if you do, inventory is mandatory. I do have to submit a monthly report to G2 on classified materials. Once it comes to Belvoir, it belongs to Belvoir and I do have to submit a report to a monthly report to G2 including this safe and general description of materials in it.
4. I am the security officer for this office and I do need have a knowledge of what's going on to keep my command in safe hand.
5. DOL: We have two floors and safe is going to be on the 1st Floor. So, I have to coordinate with DOL to see if the first floor can hold the safe. I don't want to put command or office in any jeopardy.
6. Courier: Who is transporting these to the installation and who approved them?

These are mandatory requirements when it comes to classified information especially with your situation. I don't want any small administrative error go south on us.

To do all this, please send me a brief description of the safe and model of the lock. I will coordinate with DOL and G2 with Fort Belvoir for respective actions.

Remember, this weekend is a 4 day weekend and we will try our best for coordination.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 2:38 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation POCs. I don't want to be the one who is blocking the action but not sure all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend that we take care of this now than later.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CWS, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC, 703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US); Manickam, Samuel V. V. (Sam) CWS USARMY IMCOM (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Bcc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 5:16:00 PM

Josh,

Chief Ford or I will let you know later on this week once we lock in Friday.
Chief Parra is currently on leave which is why I removed him from this email.

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 02, 2013 3:15 PM
To: Fein, Ashden MAJ USARMY MDW (US); Manickam, Samuel V. V. (Sam) CWS USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Friday works. What time do you think the move will take place? I will need to coordinate with the folks at Myer, as well as the security folks here.

Thanks for your help.

V/R
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belyvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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result in civil action or criminal prosecution.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 02, 2013 3:02 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP)
CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ
USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Josh,

We can have the safe moved on Friday or Monday. What day is good for you
and Fort Myer?

Thanks!

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Tuesday, April 02, 2013 2:13 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ
USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY
(US)
Subject: RE: Safe Move (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

CW2 Parra,

Good afternoon. We just finished coordinating with our G2 and ready to
receive the safe. A place has been identified in CPT Tooman's office and
please notify us in advance and so that we will be prepared.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 5:27 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP)
CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ
USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

The paralegal at Fort Myer, where the safe currently sits, indicated that it is a five drawer.

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 5:24 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Please confirm: Is it 5 or 4 drawer safe? Right now, I have two different information.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Sent: Thursday, March 28, 2013 4:20 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This is a 4 drawer safe.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator

JFHQ-NCR, MDW
jairo.a.parra.mil@mail.mil
jairo.parra@us.army.mil
jairo.parra@jfhqnqr.northcom.smil.mil
(202) 685-1975 - Direct
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-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:46 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This a good news. Please let me know the model of the lock and is this a 4 or 2 drawer?

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 3:32 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

Thanks for your help. One point of clarification; the safe is currently empty.. Obviously, I'll put things in it down the road, but there is not anything in it now. It sounds like that should make things easier.

V/R
CPT T

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:26 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Gentlemen,

Good afternoon. Just received a call from CW2 parra and below is what I informed him:

1. Moving a safe is not a matter but materials inside is making this seems like complicated.
2. Even though, the safe is loaned to us, we still have to follow guidance and policies in place by Belvoir G2. I have to coordinate with my G2 to inspect the safe before it can be used.
3. Materials inside? Someone from your end has to do an inventory and follow safeguarding procedure before it arrives here. I don't think you can transport a safe with materials in it but your G2 can answer that. Even if you do, inventory is mandatory. I do have to submit a monthly report to G2 on classified materials. Once it comes to Belvoir, it belongs to Belvoir and I do have to submit a report to a monthly report to G2 including this safe and general description of materials in it.
4. I am the security officer for this office and I do need have a knowledge of what's going on to keep my command in safe hand.
5. DOL: We have two floors and safe is going to be on the 1st Floor. So, I have to coordinate with DOL to see if the first floor can hold the safe. I don't want to put command or office in any jeopardy.
6. Courier: Who is transporting these to the installation and who approved them?

These are mandatory requirements when it comes to classified information especially with your situation. I don't want any small administrative error go south on us.

To do all this, please send me a brief description of the safe and model of the lock. I will coordinate with DOL and G2 with Fort Belvoir for respective actions.

Remember, this weekend is a 4 day weekend and we will try our best for coordination.

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 2:38 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation
POCs. I don't want to be the one who is blocking the action but not sure
all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend
that we take care of this now than later.

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA

Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmaritaldefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC,
703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmaritaldefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "Hurley, Thomas F MAJ OSD OMC Defense"; Hurley, Thomas F MAJ USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (P) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Cooperation Language
Date: Tuesday, April 02, 2013 5:14:00 PM

MAJ Hurley,

Thank you for such a quick reply. As for Lamo, does your position include if there is a PTA and the logs are included with the forensics, as they were recovered forensically?

We are still working on the cooperation language with input from DOJ. Our goal is to have everything set for tomorrow afternoon to discuss with the SJA, if he comes in. After that I can send you the language.

v/r

MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]

Sent: Tuesday, April 02, 2013 4:48 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Subject: Cooperation Language

MAJ Fein

Do you have the cooperation language completed for the proposed deals yet?
Would you forward it to me if you do?

Also, we are not interested in stipulating to any information related to Lamo. Likewise, we will not be changing our position with the Court WRT the need to call a practice witness to discuss classified information.

Thanks,

MAJ Hurley

From: Hurley, Thomas F MAJ OSD OMC Defense
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: Cooperation Language
Date: Tuesday, April 02, 2013 4:48:31 PM

MAJ Fein

Do you have the cooperation language completed for the proposed deals yet? Would you forward it to me if you do?

Also, we are not interested in stipulating to any information related to Lamo. Likewise, we will not be changing our position with the Court WRT the need to call a practice witness to discuss classified information.

Thanks.

MAJ Hurley

From: Tozman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Kobs, Joe B MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 3:15:09 PM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

Friday works. What time do you think the move will take place? I will need to coordinate with the folks at Myer, as well as the security folks here.

Thanks for your help.

V/R
Josh

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 02, 2013 3:02 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Josh,

We can have the safe moved on Friday or Monday. What day is good for you and Fort Myer?

Thanks!

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Tuesday, April 02, 2013 2:13 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

CW2 Parra,

Good afternoon. We just finished coordinating with our G2 and ready to receive the safe. A place has been identified in CPT Tooman's office and please notify us in advance and so that we will be prepared.

Thank you.

V/R,

SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 5:27 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

The paralegal at Fort Myer, where the safe currently sits, indicated that it is a five drawer.

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 5:24 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Please confirm: Is it 5 or 4 drawer safe? Right now, I have two different information.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Sent: Thursday, March 28, 2013 4:20 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This is a 4 drawer safe.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.a.parra.mil@mail.mil
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(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:46 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This a good news. Please let me know the model of the lock and is this a 4 or 2 drawer?

Thank you.

V/R,
SAMUEL V. V. MÂNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 3:32 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

Thanks for your help. One point of clarification; the safe is currently empty. Obviously, I'll put things in it down the road, but there is not anything in it now. It sounds like that should make things easier.

V/R
CPT T

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:26 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wywick, Rickey D WO1 USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Good afternoon. Just received a call from CW2 parra and below is what I informed him:

1. Moving a safe is not a matter but materials inside is making this seems like complicated.
2. Even though, the safe is loaned to us, we still have to follow guidance and policies in place by Belvoir G2. I have to coordinate with my G2 to inspect the safe before it can be used.
3. Materials inside? Someone from your end has to do an inventory and follow safeguarding procedure before it arrives here. I don't think you can transport a safe with materials in it but your G2 can answer that. Even if you do, inventory is mandatory. I do have to submit a monthly report to G2 on classified materials. Once it comes to Belvoir, it belongs to Belvoir and I do have to submit a report to a monthly report to G2 including this safe and general description of materials in it.
4. I am the security officer for this office and I do need have a knowledge of what's going on to keep my command in safe hand.
5. DOL: We have two floors and safe is going to be on the 1st Floor. So, I have to coordinate with DOL to see if the first floor can hold the safe. I don't want to put command or office in any jeopardy.
6. Courier: Who is transporting these to the installation and who approved them?

These are mandatory requirements when it comes to classified information especially with your situation. I don't want any small administrative error go south on us.

To do all this, please send me a brief description of the safe and model of the lock. I will coordinate with DOL and G2 with Fort Belvoir for respective actions.

Remember, this weekend is a 4 day weekend and we will try our best for coordination.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 2:38 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV

USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation POCS. I don't want to be the one who is blocking the action but not sure all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend that we take care of this now than later.

Thank you.

V/R,
SAMUEL V. V. MĀNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC, 703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Craig V SGT USARMY (US); McLamb, Amber M SGT USARMY
MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Accounting
Date: Tuesday, April 02, 2013 3:05:00 PM

David,

Thank you. We are still tracking the security clearances and/or access approvals for the three defense witnesses. As for the ACIC document, this decision is still being made along with the access decision.

As for the immunity requests- they have not been taken to the CG yet. We have been working to determine what COA we must follow for these two requests, as their invocation could relate to the national security. Understanding a member of the defense already spoke with MAJ Dimuro, we are still trying to work with the witnesses to determine whether they will actually invoke or not since it has been more than one year since the Article 32. If they still intend to invoke and provide us documentation, then we have to coordinate with OTJAG and DOJ, as per the MOA and AR 27-10. As you can imagine, it would be much easier for both parties if the two witnesses do not invoke, which is our ultimate goal.

v/r
Ashden

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, April 01, 2013 7:40 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Accounting

Ashden,

The only other issues that I am tracking are the following:

- 1) Security clearances for Defense witnesses.
- 2) During our last 802, you mentioned that the ACIC report might be declassified (thus eliminating the need for a clearance for Prof. Benkler). Do you have any additional information on this?

I am confused on 3 and 4 below. Have the requests been taken to the CG? If not, can you tell me why? I am assuming that you would support the immunity request considering that both of the witnesses are on your list as well. If you are not supporting the request, then I need action by the CG in time for this matter to be raised with COL Lind. When do you anticipate CG action on the request?

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]

Sent: Monday, April 1, 2013 6:01 PM
To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Ovrgaard, Angel M CPT USARMY (US); Whyte,
J Hunter CPT USARMY (US); von Elten, Alexander S (Alee) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Accounting

David, et al.,

The purpose of this email is to account for outstanding issue. Could you please confirm below and let me know if I am missing anything or need to correct an issue?

1. Today, you sent the physical evidence stipulation back to us, and we owe you our final take.
2. Today, we sent you the rough stipulation plan that we would like both parties to "agree-to-agree" for Wednesday's filing, and you owe us input.
3. We owe you our position for SFC(Ret) Adkins immunity.
4. We owe you our position for CW2 Balonek's immunity.
5. We owe you our position on BM's sister's production.
6. We owe you draft OTPs and the SJA's position.
7. We need to schedule a time for the RCM 802 on Thursday or Friday.

Thank you!

v/r
Ashden

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Chat
Date: Tuesday, April 02, 2013 3:04:57 PM

MAJ Fein

Certainly.

703-696-9490, ext 117

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 02, 2013 7:03 PM
To: Hurley, Thomas F MAJ USARMY (US)
Subject: Chat

MAJ Hurley- do you have time to chat on the phone about your email yesterday and Grunden?

Thanks!

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Bcc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: Chat
Date: Tuesday, April 02, 2013 3:03:00 PM

MAJ Hurley- do you have time to chat on the phone about your email yesterday and Grunden?

Thanks!

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Accounting (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 9:12:10 AM

Classification: UNCLASSIFIED

Caveats: NONE

Roger.

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, April 02, 2013 9:10 AM
To: Tooman, Joshua J CPT USARMY (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Accounting (UNCLASSIFIED)

Josh,

Thanks. My understanding from last week's emails, is that you and/or CW5 Manickam will notify us when the safe has been approved for delivery to your office by all the organizations he listed in his email. Once we receive that, we will turn the delivery back on.

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 02, 2013 8:38 AM
To: Fein, Ashden MAJ USARMY MDW (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Accounting (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

One other outstanding issue is the safe move from Myer to my office.

v/r

JJT

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Monday, April 01, 2013 6:01 PM

To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alcc) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Accounting

David, et al.,

The purpose of this email is to account for outstanding issue. Could you please confirm below and let me know if I am missing anything or need to correct an issue?

1. Today, you sent the physical evidence stipulation back to us, and we owe you our final take.
2. Today, we sent you the rough stipulation plan that we would like both parties to "agree-to-agree" for Wednesday's filing, and you owe us input.
3. We owe you our position for SFC(Ret) Adkins immunity.
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5. We owe you our position on BM's sister's production.
6. We owe you draft OTPs and the SJA's position.
7. We need to schedule a time for the RCM 802 on Thursday or Friday.

Thank you!

v/r

Ashden

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US); Parra, Jarro A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Morris, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY
MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Accounting (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 9:10:00 AM

Josh,

Thanks. My understanding from last week's emails, is that you and/or CW5 Manickam will notify us when the safe has been approved for delivery to your office by all the organizations he listed in his email. Once we receive that, we will turn the delivery back on.

v/r
MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, April 02, 2013 8:38 AM
To: Fein, Ashden MAJ USARMY MDW (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Accounting (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

One other outstanding issue is the safe move from Myer to my office.

v/r
JTT

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 01, 2013 6:01 PM

To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte,
J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Accounting

David, et al.,

The purpose of this email is to account for outstanding issue. Could you please confirm below and let me know if I am missing anything or need to correct an issue?

1. Today, you sent the physical evidence stipulation back to us, and we owe you our final take.
2. Today, we sent you the rough stipulation plan that we would like both parties to "agree-to-agree" for Wednesday's filing, and you owe us input.
3. We owe you our position for SFC(Ret) Adkins immunity.
4. We owe you our position for CW2 Balonek's immunity.
5. We owe you our position on BM's sister's production.
6. We owe you draft OTPs and the SJA's position.
7. We need to schedule a time for the RCM 802 on Thursday or Friday.

Thank you!

v/r
Ashden

Classification: UNCLASSIFIED

Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); O vergaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Accounting (UNCLASSIFIED)
Date: Tuesday, April 02, 2013 8:37:59 AM

Classification: UNCLASSIFIED

Caveats: NONE

Sir

One other outstanding issue is the safe move from Myer to my office.

v/r
JJT

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 01, 2013 6:01 PM
To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); O vergaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
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Ashden

Classification: UNCLASSIFIED

Caveats: NONE

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Accounting
Date: Monday, April 01, 2013 7:39:47 PM

Ashden,

The only other issues that I am tracking are the following:

- 1) Security clearances for Defense witnesses.
- 2) During our last 802, you mentioned that the ACIC report might be declassified (thus eliminating the need for a clearance for Prof. Benkler). Do you have any additional information on this?

I am confused on 3 and 4 below. Have the requests been taken to the CG? If not, can you tell me why? I am assuming that you would support the immunity request considering that both of the witnesses are on your list as well. If you are not supporting the request, then I need action by the CG in time for this matter to be raised with COL Lind. When do you anticipate CG action on the request?

Best,
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Monday, April 1, 2013 6:01 PM
To: David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Accounting

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Thank you!

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David E. Coombs"; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY
MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US)
Subject: Accounting
Date: Monday, April 01, 2013 6:00:00 PM

David, et al.,

The purpose of this email is to account for outstanding issue. Could you please confirm below and let me know if I am missing anything or need to correct an issue?

1. Today, you sent the physical evidence stipulation back to us, and we owe you our final take.
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Thank you!

v/r
Ashden

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation
Date: Monday, April 01, 2013 10:05:41 AM

MAJ Fein

Got it. Thanks.

We'll talk these over and get back with you tomorrow.

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, April 01, 2013 1:59 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: Stipulation

MAJ Hurley,

Thanks. We will review today and tomorrow and figure out the best way forward. By 3 April we have to let the Court know whether we "agree to agree" to stipulations, not necessarily what information we stipulate to. As we previously discussed in-person, our plan was to start off with the most obvious/easiest information for stipulations (physical evidence) and then work towards witness testimony. We propose the following order in the coming weeks, and this is what we could notify the Court on 3 April:

1. Physical Evidence - subject of this email
2. Documentary/Digital Evidence originating from Physical Evidence
3. Documentary/Digital Evidence not originating from Physical Evidence
4. Three forms of Charged Documents (if applicable)- original form, as recovered on BM's computers, and as found on WL- this could also be easier if there is one stipulation as to all three forms, rather than the actual document being admitted three times
5. Witness Testimony, by witness

All the above would have to be completed by 11 May IAW the Court calendar.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, April 01, 2013 9:42 AM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US)
Subject: Stipulation

Gentlemen

Here's our response to your stipulation proposal. We are good with 12 of the 16, but we do not wish to stipulate to the Farah items (15 and 16) or the Lamo items (8 and 9).

Let us know if there is anything else you would like to stipulate to. Obviously, we have to report any stipulations to the Court on 3 April.

Thanks,

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Stipulation
Date: Monday, April 01, 2013 9:59:00 AM

MAJ Hurley,

Thanks. We will review today and tomorrow and figure out the best way forward. By 3 April we have to let the Court know whether we "agree to agree" to stipulations, not necessarily what information we stipulate to. As we previously discussed in-person, our plan was to start off with the most obvious/easiest information for stipulations (physical evidence) and then work towards witness testimony. We propose the following order in the coming weeks, and this is what we could notify the Court on 3 April:

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From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US)
Subject: Stipulation
Date: Monday, April 01, 2013 9:41:43 AM
Attachments: [Stipulation of Admissibility \(Physical Evidence\) v1.docx](#)

Gentlemen

Here's our response to your stipulation proposal. We are good with 12 of the 16, but we do not wish to stipulate to the Farah items (15 and 16) or the Lamo items (8 and 9).

Let us know if there is anything else you would like to stipulate to. Obviously, we have to report any stipulations to the Court on 3 April.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Negotiations
Date: Friday, March 29, 2013 12:34:00 PM

Thanks. Likewise.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Friday, March 29, 2013 12:34 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Negotiations

MAJ Fein

I concur. Have a nice weekend.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 8:34 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Negotiations

MAJ Hurley,

I agree with what you have below with some clarifications:

1. Yes, we agree with you that the polygraph will not be a term in either PTA.
2. For cooperation, the term of cooperation would need to continue for a significant but certain period to allow DOJ to pursue any leads and have him testify, if required.
3. We can support going to the SJA with drafted OTPs to see if he supports one or both of them. He does not return until the middle of next week which gives us time to start drafting.
4. In reference to your number 4 below- on Monday we discussed that once we have a signed PTA by all parties, then under the trial judiciary rules, we will immediately notify the Court and highlight that there is a provision to have a Stip of Fact completed by a certain date. We would also let the Court know that absent her contrary instruction, we intend to waive off all merits witnesses from both sides to focus on preparation of the stipulation of fact and sentencing, and if for some reason the Stip of Fact is not completed by that date and thus no deal, the Government would ask for a continuance of the trial date for that period of time to coordinate witness participation, and the defense does not object. We could also incorporate this delay into the PTA.

I now feel compelled to highlight that we do not expect to need or want to exercise #4 above- getting the Stip done

and both sides agreeing will be our main effort once the deal is signed, which is also why the time between signed PTA and Stip Date is critical.

If you concur with this email, then please let us know so that we will start working on the PTA and our analysis for presentation to the SJA.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, March 28, 2013 2:10 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Negotiations

MAJ Fein

Got it and thanks for getting back to me. I take it that your exclusion of the term polygraph in describing PFC Manning's cooperation was an intentional one. Thus, he will not be required to take any during his post-trial cooperation period.

Another thing on cooperation - can the period of cooperation end at initial action? Action is normally the event that ends trial defense counsel participation. This is certainly not a deal-breaker - just something I am more comfortable with.

Here's my take on the way ahead:

1. You brief the SJA. He explains what he is willing to support.
2. You create and send the OTPs to us consistent with the SJA's guidance.
3. We get PFC Manning's concurrence/nonconcurrence on those OTPs.
4. You tell the MJ provided there is concurrence on one of the OTPs.

That's what I remember from Monday. Just want to make sure we are on the same sheet.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 4:47 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Negotiations

MAJ Hurley,

At our meeting Monday, we left owing you answers to three questions. Following are the answers to those questions.

First, any violation of the assignment of profits or proceeds provision in a PTA would be recouped by DOJ through a civil action. Second, cooperation in the PTA would be defined as testifying before the grand jury, with immunity from the GCMCA, and participation in any other prosecutions by the USG. Finally, the third question was about

whether under COA-NQ, we would support a max sentence of 76 years with an assignment of profits or proceeds clause -or- a max sentence of 86 years without the clause. After looking at the case law again on UMC, we believe the CIDNE transmission and the CIDNE thefts do not merge; therefore, we would support 86 years as the maximum after UMC and understand that there would be no assignment of profits or proceeds clause under this option.

Finally, this disclaimer must be written--as you know, we have not elicited the SJA's input during these negotiations as per your request. We only originally briefed him that we were going to start negotiations with you again and that once we work out terms, we would then give him what we think is the appropriate offer with our recommendation and analysis. He supported us going forward, which we are doing. Although Joe and I both support these COAs, I do not have a sense on whether the SJA will support the 25 years and no fine as discussed under COA-Q. We have never discussed limiting a fine with him, and actually have discussed the opposite--what a possible appropriate fine would be based on the amount of money the USG spent mitigating the damage/potential damage.

Thanks!

v/r
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Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Negotiations
Date: Friday, March 29, 2013 12:33:37 PM

MAJ Fein

I concur. Have a nice weekend.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 8:34 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
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Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW

(US); Overgaard, Angel M CPT USARMY (US)

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MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)

Sent Thursday, March 28, 2013 4:47 PM

To: Hurley, Thomas F MAJ USARMY (US)

Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)

Subject: Negotiations

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v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Thursday, March 28, 2013 5:27:04 PM

Chief

The paralegal at Fort Myer, where the safe currently sits, indicated that it is a five drawer.

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 5:24 PM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Please confirm: Is it 5 or 4 drawer safe? Right now, I have two different information.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Sent: Thursday, March 28, 2013 4:20 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Wywick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This is a 4 drawer safe.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.a.parra@mail.mil
jairo.parra@us.army.mil
jairo.parra@jhqner.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CWS USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:46 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This a good news. Please let me know the model of the lock and is this a 4 or 2 drawer?

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 3:32 PM
To: Manickam, Samuel V. V. (Sam) CWS USARMY IMCOM (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY

(US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief

Thanks for your help. One point of clarification; the safe is currently empty. Obviously, I'll put things in it down the road, but there is not anything in it now. It sounds like that should make things easier.

V/R
CPT T

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:26 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Good afternoon. Just received a call from CW2 parra and below is what I informed him:

1. Moving a safe is not a matter but materials inside is making this seems like complicated.
2. Even though, the safe is loaned to us, we still have to follow guidance and policies in place by Belvoir G2. I have to coordinate with my G2 to inspect the safe before it can be used.
3. Materials inside? Someone from your end has to do an inventory and follow safeguarding procedure before it arrives here. I don't think you can transport a safe with materials in it but your G2 can answer that. Even if you do, inventory is mandatory. I do have to submit a monthly report to G2 on classified materials. Once it comes to Belvoir, it belongs to Belvoir and I do have to submit a report to a monthly report to G2 including this safe and general description of materials in it.
4. I am the security officer for this office and I do need have a knowledge of what's going on to keep my command in safe hand.
5. DOL: We have two floors and safe is going to be on the 1st Floor. So, I have to coordinate with DOL to see if the first floor can hold the safe. I don't want to put command or office in any jeopardy.
6. Courier: Who is transporting these to the installation and who approved them?

These are mandatory requirements when it comes to classified information especially with your situation. I don't want any small administrative error go south on us.

To do all this, please send me a brief description of the safe and model of the lock. I will coordinate with DOL and G2 with Fort Belvoir for respective actions.

Remember, this weekend is a 4 day weekend and we will try our best for

coordination.

Thank you.

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Legal Administrator
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From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 2:38 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation POCs. I don't want to be the one who is blocking the action but not sure all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend that we take care of this now than later.

Thank you.

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CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

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From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC, 703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Miroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Negotiations
Date: Thursday, March 28, 2013 4:34:00 PM

MAJ Hurley,

I agree with what you have below with some clarifications:

1. Yes, we agree with you that the polygraph will not be a term in either PTA.
2. For cooperation, the term of cooperation would need to continue for a significant but certain period to allow DOJ to pursue any leads and have him testify, if required.
3. We can support going to the SJA with drafted OTPs to see if he supports one or both of them. He does not return until the middle of next week which gives us time to start drafting.
4. In reference to your number 4 below- on Monday we discussed that once we have a signed PTA by all parties, then under the trial judiciary rules, we will immediately notify the Court and highlight that there is a provision to have a Stip of Fact completed by a certain date. We would also let the Court know that absent her contrary instruction, we intend to waive off all merits witnesses from both sides to focus on preparation of the stipulation of fact and sentencing, and if for some reason the Stip of Fact is not completed by that date and thus no deal, the Government would ask for a continuance of the trial date for that period of time to coordinate witness participation, and the defense does not object. We could also incorporate this delay into the PTA.

I now feel compelled to highlight that we do not expect to need or want to exercise #4 above- getting the Stip done and both sides agreeing will be our main effort once the deal is signed, which is also why the time between signed PTA and Stip Date is critical.

If you concur with this email, then please let us know so that we will start working on the PTA and our analysis for presentation to the SJA.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, March 28, 2013 2:10 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Negotiations

MAJ Fein

Got it and thanks for getting back to me. I take it that your exclusion of the term polygraph in describing PFC Manning's cooperation was an intentional one. Thus, he will not be required to take any during his post-trial cooperation period.

Another thing on cooperation - can the period of cooperation end at initial action? Action is normally the event that

ends trial defense counsel participation. This is certainly not a deal-breaker - just something I am more comfortable with.

Here's my take on the way ahead:

1. You brief the SJA. He explains what he is willing to support.
2. You create and send the OTPs to us consistent with the SJA's guidance.
3. We get PFC Manning's concurrence/nonconcurrence on those OTPs.
4. You tell the MJ provided there is concurrence on one of the OTPs.

That's what I remember from Monday. Just want to make sure we are on the same sheet.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 4:47 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Negotiations

MAJ Hurley,

At our meeting Monday, we left owing you answers to three questions. Following are the answers to those questions.

First, any violation of the assignment of profits or proceeds provision in a PTA would be recouped by DOJ through a civil action. Second, cooperation in the PTA would be defined as testifying before the grand jury, with immunity from the GCMCA, and participation in any other prosecutions by the USG. Finally, the third question was about whether under COA-NQ, we would support a max sentence of 76 years with an assignment of profits or proceeds clause -or- a max sentence of 86 years without the clause. After looking at the case law again on UMC, we believe the CIDNE transmission and the CIDNE thefts do not merge; therefore, we would support 86 years as the maximum after UMC and understand that there would be no assignment of profits or proceeds clause under this option.

Finally, this disclaimer must be written--as you know, we have not elicited the SJA's input during these negotiations as per your request. We only originally briefed him that we were going to start negotiations with you again and that once we work out terms, we would then give him what we think is the appropriate offer with our recommendation and analysis. He supported us going forward, which we are doing. Although Joe and I both support these COAs, I do not have a sense on whether the SJA will support the 25 years and no fine as discussed under COA-Q. We have never discussed limiting a fine with him, and actually have discussed the opposite--what a possible appropriate fine would be based on the amount of money the USG spent mitigating the damage/potential damage.

Thanks!

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Folin, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); "David Coombs"
Subject: FW: Safe (UNCLASSIFIED)
Date: Thursday, March 28, 2013 4:19:07 PM

Chief

See below for details about the safe. It actually has 5 drawers.

Thanks!

From: Bynoe, Lisa C CIV USARMY (US)
Sent: Thursday, March 28, 2013 4:09 PM
To: Tooman, Joshua J CPT USARMY (US)
Subject: RE: Safe (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Here is what I found:
General Services Administration
Security Container

Hamilton Products Group INC
Lock type: XO8
Container type: HAM
Container No: 41499B
Model No 06-5

I hope that helps.

Lisa

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 3:40 PM
To: Bynoe, Lisa C CIV USARMY (US)
Subject: Safe

Hey Lisa

Could you look at the safe in Mike's office and let me know the make and model of both the safe itself and the lock?

Also, can you verify that it is gray and has four drawers?

Thanks!

Josh

Classification: UNCLASSIFIED

Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); "David Coombs"; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Thursday, March 28, 2013 3:48:45 PM

Chief

It's a four drawer. Checking on the lock info.

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:45 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); 'David Coombs'; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

This a good news. Please let me know the model of the lock and is this a 4 or 2 drawer?

Thank you.

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SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

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Subject: RE: Safe Move (UNCLASSIFIED)

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Thanks for your help. One point of clarification; the safe is currently empty. Obviously, I'll put things in it down the road, but there is not anything in it now. It sounds like that should make things easier.

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CPT T

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Sent: Thursday, March 28, 2013 3:26 PM

To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US)
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Gentlemen,

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1. Moving a safe is not a matter but materials inside is making this seems like complicated.
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Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
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Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED
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(Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY
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Subject: RE: Safe Move (UNCLASSIFIED)
Date: Thursday, March 28, 2013 3:31:35 PM

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CW5, JA

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Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1
USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation POCs. I don't want to be the one who is blocking the action but not sure all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend that we take care of this now than later.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)

Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC, 703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Manickam, Samuel V. V. (Sam) CWS USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US)
Bcc: Chandler, Rodrick D CW4 USARMY USAMDW (US); Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Thursday, March 28, 2013 3:30:00 PM

Chief,

Thank you! I just spoke with our J4/DPW and the move is postponed until these issues can be worked out. CPT Tooman should be able to answer all these questions for you because this is a TDS safe that only he has access to, as we do not have the combination nor should as the prosecution. Once you and/or CPT Tooman let us know you are ready to receive, assuming the 1st floor is suitable for the move, then we will immediately turn the movers back on.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CWS USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 3:27 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Good afternoon. Just received a call from CW2 parra and below is what I informed him:

1. Moving a safe is not a matter but materials inside is making this seems like complicated.
2. Even though, the safe is loaned to us, we still have to follow guidance and policies in place by Belvoir G2. I have to coordinate with my G2 to inspect the safe before it can be used.
3. Materials inside? Someone from your end has to do an inventory and follow safeguarding procedure before it arrives here. I don't think you can transport a safe with materials in it but your G2 can answer that. Even if you do, inventory is mandatory. I do have to submit a monthly report to G2 on classified materials. Once it comes to Belvoir, it belongs to Belvoir and I do have to submit a report to a monthly report to G2 including this safe and general description of materials in it.
4. I am the security officer for this office and I do need have a knowledge of what's going on to keep my command in safe hand.
5. DOL: We have two floors and safe is going to be on the 1st Floor. So, I have to coordinate with DOL to see if the first floor can hold the safe. I don't want to put command or office in any jeopardy.
6. Courier: Who is transporting these to the installation and who approved them?

These are mandatory requirements when it comes to classified information especially with your situation. I don't want any small administrative error go south on us.

To do all this, please send me a brief description of the safe and model of the lock. I will coordinate with DOL and G2 with Fort Belvoir for respective actions.

Remember, this weekend is a 4 day weekend and we will try our best for coordination.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 2:38 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1
USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1
USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Unfortunately, it hasn't been coordinated thru my office and installation POCs. I don't want to be the one who is blocking the action but not sure all the dots are matched between, DPW, G2, DOL and respective offices.

This is very important due to nature of materials. I would highly recommend that we take care of this now than later.

Thank you.

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SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator

Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move

Sir

Fort Myer TDS office is Bldg 229. The individual offices are not numbered, but the safe is currently in the first office on the right. POC at Myer is Ms. Lisa Bynoe, 703-696-6700

Fort Belvoir TDS is in Bldg 257. Parking lot is located off 23rd St. TDS office is the door on the far left. Again, I don't think the offices are individually numbered. The offices do, however, have names on the doors and the safe will be going in my office. I will be the POC, 703-805-4415/419-552-1211.

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Safe Move

Josh,

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Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1 USARMY
(US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)
Date: Thursday, March 28, 2013 2:37:00 PM

Chief,

Thank you. I will contact CW2 Parra about this immediately.

v/r
MAJ Fein

-----Original Message-----

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 2:03 PM
To: Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Wyrick, Rickey D WO1
USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

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Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CWS, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:56 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V.
(Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY

(US); Hayden, Michael Finbar CPT USARMY (US)

Subject: RE: Safe Move

Sir

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Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Thursday, March 28, 2013 12:30 PM

To: Tooman, Joshua J CPT USARMY (US)

Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)

Subject: Safe Move

Josh,

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Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Negotiations
Date: Thursday, March 28, 2013 2:09:46 PM

MAJ Fein

Got it and thanks for getting back to me. I take it that your exclusion of the term polygraph in describing PFC Manning's cooperation was an intentional one. Thus, he will not be required to take any during his post-trial cooperation period.

Another thing on cooperation - can the period of cooperation end at initial action? Action is normally the event that ends trial defense counsel participation. This is certainly not a deal-breaker - just something I am more comfortable with.

Here's my take on the way ahead:

1. You brief the SJA. He explains what he is willing to support.
2. You create and send the OTPs to us consistent with the SJA's guidance.
3. We get PFC Manning's concurrence/nonconcurrence on those OTPs.
4. You tell the MJ provided there is concurrence on one of the OTPs.

That's what I remember from Monday. Just want to make sure we are on the same sheet.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 4:47 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Negotiations

MAJ Hurley,

At our meeting Monday, we left owing you answers to three questions. Following are the answers to those questions.

First, any violation of the assignment of profits or proceeds provision in a PTA would be recouped by DOJ through a civil action. Second, cooperation in the PTA would be defined as testifying before the grand jury, with immunity from the GCMCA, and participation in any other prosecutions by the USG. Finally, the third question was about whether under COA-NQ, we would support a max sentence of 76 years with an assignment of profits or proceeds clause -or- a max sentence of 86 years without the clause. After looking at the case law again on UMC, we believe the CIDNE transmission and the CIDNE thefts do not merge; therefore, we would support 86 years as the maximum after UMC and understand that there would be no assignment of profits or proceeds clause under this option.

Finally, this disclaimer must be written--as you know, we have not elicited the SJA's input during these negotiations as per your request. We only originally briefed him that we were going to start negotiations with you again and that once we work out terms, we would then give him what we think is the appropriate offer with our recommendation

and analysis. He supported us going forward, which we are doing. Although Joe and I both support these COAs, I do not have a sense on whether the SJA will support the 25 years and no fine as discussed under COA-Q. We have never discussed limiting a fine with him, and actually have discussed the opposite--what a possible appropriate fine would be based on the amount of money the USG spent mitigating the damage/potential damage.

Thanks!

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); "David Coombs"; thomasurley1@me.com; Lozano, Charles D LTC USARMY HODA OTJAG (US)
Subject: FW: Safe Move (UNCLASSIFIED)
Date: Thursday, March 28, 2013 1:58:54 PM
Importance: High

Sir

Please see the email below from CW5 Manickam, outlining his concerns. Do you know if these issues have been addressed?

V/R
Josh

From: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US)
Sent: Thursday, March 28, 2013 1:55 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Wyrick, Rickey D WO1 USARMY (US)
Subject: RE: Safe Move (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

As of now, NO one has contacted us. We haven't coordinated with anyone (DPW, G2) since we have no information. I don't want this to be a burden after the fact. If they have done coordination between DPW to DPW and S2 to S2, then I am OK, otherwise, please have them coordinate before they make this big move.

Is the safe empty or documents in it? If they have documents, then who is authorizing? Also, how about you if you are going to be a courier between two installation - who authorized it? Lots of questions needs to be answered before we make this happen. Again, I would rather have the head-ache now than later.

Also, it is a 4 day weekend and no one will be here in the office until Tuesday.

Thank you.

V/R,
SAMUEL V. V. MÄNICKAM
CW5, JA
Legal Administrator
Office of the Staff Judge Advocate
Fort Belvoir, Virginia
(703) 805-2347; DSN: 312-655-2347

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 28, 2013 1:50 PM
To: Manickam, Samuel V. V. (Sam) CW5 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US)
Subject: FW: Safe Move
Importance: High

Chief Manickam

See below. Were you ever contacted about this?

Thanks,
Josh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 28, 2013 12:30 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,
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Subject: Safe Move

Josh,

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I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Manickam, Samuel V. V. (Sam) CW6 USARMY IMCOM (US); Wyrick, Rickey D WO1 USARMY (US); Bynoe, Lisa C CIV USARMY (US); Hayden, Michael Finbar CPT USARMY (US)
Subject: RE: Safe Move
Date: Thursday, March 28, 2013 1:56:11 PM

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To: Fein, Ashden MAJ USARMY MDW (US)
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Subject: RE: Safe Move
Date: Thursday, March 28, 2013 1:46:23 PM

Sir

Thanks for the update. I'll get you the requested information. Do you know if Chief Parra ever got in touch with CW5 Manickam regarding this move? Chief Manickam had indicated that folks at Belvoir would need to check on whether our building can even support the safe. Like, will the safe fall through the floor support the safe. It's an old building.

Thanks,
Josh

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To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
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To: Hurley, Thomas F MAJ USARMY (US)
Cc: "David Coombs"; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: Negotiations
Date: Thursday, March 28, 2013 12:47:00 PM

MAJ Hurley,

At our meeting Monday, we left owing you answers to three questions. Following are the answers to those questions.

First, any violation of the assignment of profits or proceeds provision in a PTA would be recouped by DOJ through a civil action. Second, cooperation in the PTA would be defined as testifying before the grand jury, with immunity from the GCMCA, and participation in any other prosecutions by the USG. Finally, the third question was about whether under COA-NQ, we would support a max sentence of 76 years with an assignment of profits or proceeds clause -or- a max sentence of 86 years without the clause. After looking at the case law again on UMC, we believe the CIDNE transmission and the CIDNE thefts do not merge; therefore, we would support 86 years as the maximum after UMC and understand that there would be no assignment of profits or proceeds clause under this option.

Finally, this disclaimer must be written--as you know, we have not elicited the SJA's input during these negotiations as per your request. We only originally briefed him that we were going to start negotiations with you again and that once we work out terms, we would then give him what we think is the appropriate offer with our recommendation and analysis. He supported us going forward, which we are doing. Although Joc and I both support these COAs, I do not have a sense on whether the SJA will support the 25 years and no fine as discussed under COA-Q. We have never discussed limiting a fine with him, and actually have discussed the opposite--what a possible appropriate fine would be based on the amount of money the USG spent mitigating the damage/potential damage.

Thanks!

v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David Coombs"
Cc: Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Pirra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Additional Sentencing Witness
Date: Thursday, March 28, 2013 12:44:00 PM

David,

Thank you. We will take a look at this and get back to you in the next few days.

v/r
Ashden

-----Original Message-----

From: David Coombs [<mailto:mailto:coombs@armycourtmartialdefense.com>]
Sent: Thursday, March 28, 2013 12:39 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Additional Sentencing Witness

Ashden,

Please find attached a request for an additional sentencing witness. The witness that we are requesting is PFC Manning's sister. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.

From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Ford, Arthur D Jr CW2 USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Additional Sentencing Witness
Date: Thursday, March 28, 2013 12:42:35 PM
Attachments: Def Witness List for Merits and Sentencing.pdf

Ashden,

Please find attached a request for an additional sentencing witness. The witness that we are requesting is PFC Manning's sister. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.

From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US)
Cc: Kobs, Joe B MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Morrow, JoDean (Joo) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: Safe Move
Date: Thursday, March 28, 2013 12:30:00 PM
Importance: High

Josh,

CW2 Parra is on leave for the rest of the week. It is my understanding that the safe movement is going to occur tomorrow morning and the movers are making their final plans.

Could you please provide me the POC name and number at Fort Meyer and Fort Belvoir for the move and the building and room numbers for each of the TDS offices.

I need to provide this information to DPW this afternoon.

Thank you!

MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: meeting (UNCLASSIFIED)
Date: Tuesday, March 26, 2013 11:44:00 AM

We will bring them.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 26, 2013 11:39 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: meeting (UNCLASSIFIED)

CPT Morrow,

Would you bring the two classified filings in case we need them? Thanks.

MAJ Hurley

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 26, 2013 3:37 PM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: meeting (UNCLASSIFIED)

FWIW, they consolidated the two Ray's in that old strip mall into one restaurant across the street. If you ever find yourself there, be in uniform or carry your ID. A service member can get a burger, tots (my preferred fried potato), and a drink for \$5.45. You can't be that at McDonald's. (My cardiologist is rather upset that I know that.)

See you at the SJA's office.

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Tuesday, March 26, 2013 3:33 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

We are going to meet in the SJA's office if it's alright with you. He's on leave this week and we will disable all recording devices - we learned a lot from Watergate. I assume you know where it's located.

I thought Ray's Hellburger closed?

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 26, 2013 11:32 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US);
Tooman, Joshua J CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

CPT Morrow

Thanks for the note. Would prefer an in-person meeting in order to avoid those strange talking around classified evidence without talking about conversations that we have all had too much of over the phone. Is there a conference room there we can use? I know I have a conference room here I can use, but parking can be a problem for you guys. (The added benefit to meeting here - a luncheon at Ray's Hellburger. They have a fairly steep military discount that should make my tape test in May a real nail-biter. Of course, I would expect y'all to pick up the tab.) Josh is at INSCOM today with Trent, so the TDS office at Belvoir is probably out.

I would like to discuss Grunden, so we should probably have both of the government's filing on hand if required for reference. (Obvs, we wouldn't bring those documents to Ray's.)

Let me know what y'all want. Happy to do whatever.

Tom

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Tuesday, March 26, 2013 3:22 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I know we discussed a potential in-person meeting today, but we did not discuss a location. Do you still want to meet, in-person or otherwise? I think we are prepared to discuss the PTA piece; not-so-much the Grunden stuff we spoke about over the phone, although we can certainly raise that. Let me know.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqnncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: meeting (UNCLASSIFIED)
Date: Tuesday, March 26, 2013 11:39:28 AM

CPF Morrow,

Would you bring the two classified filings in case we need them? Thanks.

MAJ Hurley

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 26, 2013 3:37 PM
To: Morrow, JoDean (Joc) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: meeting (UNCLASSIFIED)

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Sent: Tuesday, March 26, 2013 3:33 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

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I thought Ray's Hellburger closed?

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jfhqner.northcom.smil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 26, 2013 11:32 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US);
Tooman, Joshua J CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

CPT Morrow

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Tom

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Tuesday, March 26, 2013 3:22 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs
(coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

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stuff we spoke about over the phone, although we can certainly raise that.
Let me know.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)
Date: Tuesday, March 26, 2013 11:31:56 AM

CPT Morrow

Thanks for the note. Would prefer an in-person meeting in order to avoid those strange talking around classified evidence without talking about conversations that we have all had too much of over the phone. Is there a conference room there we can use? I know I have a conference room here I can use, but parking can be a problem for you guys. (The added benefit to meeting here - a luncheon at Ray's Hellburger. They have a fairly steep military discount that should make my tape test in May a real nail-biter. Of course, I would expect y'all to pick up the tab.) Josh is at INSCOM today with Trent, so the TDS office at Belvoir is probably out.

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Let me know what y'all want. Happy to do whatever.

Tom

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Tuesday, March 26, 2013 3:22 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com); Fein, Ashden MAJ USARMY MDW (US)
Subject: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I know we discussed a potential in-person meeting today, but we did not discuss a location. Do you still want to meet, in-person or otherwise? I think we are prepared to discuss the PTA piece; not-so-much the Grunden stuff we spoke about over the phone, although we can certainly raise that. Let me know.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "galbraithv@gmail.com"; larry.e.rains.civ@mail.mil
Cc: Ford, Arthur D Jr CW2 USARMY (US); "coombs@armycourtmartialdefense.com"; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Rains, Larry E CIV USARMY HODA DCS G-2 (US); Clark, Derek D SGT USARMY USAMDW (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: Clearance Update (US v. PFC Manning)
Date: Monday, March 25, 2013 3:29:00 PM

Ambassador Galbraith,

Good afternoon. I received as an update that your OPM eQip data has not been completed for the US Army to process your security clearance. Do you have any questions or need any assistance with the eQip system?

Thank you!

Respectfully,

Major Fein

Ashden Fein
Major, US Army
202-685-1975 (office)

From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: Proposal (UNCLASSIFIED)
Date: Friday, March 22, 2013 11:53:12 AM

CPT Morrow

I will strive to call sooner than 1500. We are moving up our defense team conference call.

My thought at the time I drafted the proposal was two fold: (1) one has to steal, purloin, or convert to give away (thus the 793s merge with their 641s) and (2) the giving away of two sets of docs occurred at the same time (thus the 793s merge). Assuming that I am legally wrong about this (not the biggest assumption in the history of the U.S. Army), I would indicate then that there are other ways to get at what we want. Y'all don't like merger for the four CIDNE specifications? What if the CA just agrees to dismiss w/o prejudice three of those specifications after Manning's plea to one remaining is accepted and the SoF (which tells the whole story about the downloading and sending of both sets of documents) is admitted as a Government Exhibit?

I don't see a problem with the AIT proposal, but will let you know for sure later today.

Same for the timing of the OTP and SoF.

Talk to you soon.

v/r

Tom Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Friday, March 22, 2013 2:36 PM
To: Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: Proposal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

I think we are pretty close, but we have a couple of concerns/clarifications/questions. First, we understand your position (and potentially agree) that Specs 8 and 9 and Specs 12 and 13 merge for sentencing. We are less agreeable with respect to the four CIDNE specifications merging into one ten-year offense. Can you provide some more insight? While the transmission of the databases certainly occurred on the same day, there was a significant time period between the theft of the information and the transmission of the information. Additionally, the CIDNE-I and CIDNE-A databases were downloaded from different servers, at different times, and required different processes to access. Second, we would want the stipulation of fact to include facts relating to PFC Manning's knowledge, training, etc - mostly derived from what we know about his training at AIT and program of instruction. Finally, the SJA would likely want to have the OTP signed before starting work on the stipulation. We could potentially set a hard date for agreement/completion of the stip as part of the OTP.

Your thoughts? We could meet early next week if you're amenable.

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jhqncr.northcom.smil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, March 14, 2013 8:37 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: Proposal (UNCLASSIFIED)

CPT Morrow

Your assumption is correct!

Sorry for that typo.

MAJ Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Wednesday, March 13, 2013 7:02 PM
To: Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: Proposal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

One thing - I assume you meant Guilty to Spec 5 of Charge III, not Spec 6?

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jhqncr.northcom.smil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]
Sent: Wednesday, March 13, 2013 2:48 PM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)

Subject: Proposal

CPT Morrow, et al:

We personally believe that the following specifications will merge:

Specifications 4-7 will merge into one ten year offense for the purpose of sentencing.

Specifications 8 & 9 will merge into one ten year offense for the purpose of sentencing.

Specifications 12 & 13 will merge into one ten year offense for the purpose of sentencing.

Based on that, please consider the following recommendation.

We plead as follows:

The Specification of Charge I and Charge I: Not Guilty* (aiding the enemy)

Specification 1 of Charge II: Guilty (posting on internet with knowledge that enemy could access) (full spec except dates) Specification 2 of Charge II: Guilty (793 - collateral murder video) (full spec except dates)

Specification 3 of Charge II: Guilty (793 - OGA docs) (full spec except dates) Specification 4 of Charge II: Guilty (641 - CIDNE(I)) (full spec except dates)^ Specification 5 of Charge II: Guilty (793 - CIDNE(I)) (full spec except dates)^ Specification 6 of Charge II: Guilty (641 - CIDNE(A)) (full spec except dates)^ Specification 7 of Charge II: Guilty (793 - CIDNE(A)) (full spec except dates)^ Specification 8 of Charge II: Guilty (641 - GTMO docs) (full spec except dates)@ Specification 9 of Charge II: Guilty (793 - GTMO docs) (full spec except dates)@ Specification 10 of Charge II: Guilty (793 - Farah docs) (full spec except dates)

Specification 11 of Charge II: Not Guilty (793 - Farah video) (no change to plea)*

Specification 12 of Charge II: Guilty (641 - DoS docs) (full spec except dates)& Specification 13 of Charge II: Guilty (1030 - DoS docs) (no change to plea)&* Specification 14 of Charge II: Guilty (1030 - Rey13 cable)(no change to plea)* Specification 15: of Charge II: Guilty (793 - ACIC Report) (full spec except dates)

Specification 16 of Charge II: Not Guilty (641 - GAL) (no change to plea)* To Charge II: Guilty

Specifications 1-5 of Charge III: Not Guilty* Specification 6 of Charge III: Guilty (no change to plea) To Charge III: Guilty

All Specifications marked with a * will either be dismissed outright upon acceptance of the plea or the greater offense will be dismissed upon acceptance of the plea.

All Specifications marked with a ^ will be merged for sentencing into one offense with a 10 year max.

All Specifications marked with a @ will be merged for sentencing into one offense with a 10 year max.

All Specifications marked with a & will be merged for sentencing into one offense with a 10 year max.

The max confinement for the plea: 118 years. The max confinement for

sentencing after all of these mergers: 76 years.

We would further agree to:

1. A forensic merits SoF. (It will describe what Manning did with his computer, including the GAL, the Farah video, and the facts that support all of the specifications that Manning is pleading guilty to.)
2. Stips for the damage assessments.
3. A stip for the John Doe information. (This is a one pager. On ____, UBL sent a ____ I to ____ that said _____. On ____, ____ sent a ____ back to UBL that said _____.) (You guys may be too young to get this, but the preceding parenthetical reads like something from The Match Game. YouTube it if you want to get the reference. When I was a kid, the only person I ever wanted to be was Gene Marshall.)
4. Submit no motion that requests unreasonable multiplication of charges as a matter of relief.

I know MAJ Fein is out of town. This can wait until he gets back. Just let me know that you got this message.

v/r
MAJ Hurley

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); David Coombs (coombs@armycourtmartialdefense.com); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: potential stipulation (UNCLASSIFIED)
Date: Friday, March 22, 2013 10:59:47 AM

CPT Morrow

I apologize. I thought this was complete. I will call you this afternoon at approximately 1500. Sound good?

Thanks.

MAJ Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Friday, March 22, 2013 2:39 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); David Coombs (coombs@armycourtmartialdefense.com); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M CPT USARMY (US)
Subject: FW: potential stipulation (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Any update on this? Sorry for bombarding your inbox.

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 12, 2013 10:17 AM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: potential stipulation (UNCLASSIFIED)

CPT Morrow

Yes, this is what I was trying to describe last week. My only notes would be stylistic (e.g. Arial or Calibri are better fonts than TNR, a larger pitch would be preferred for easier reading, and an added space would be preferred between the items of evidence), but I will leave those formatting decisions to you guys.

Thanks for doing this. We'll get back to you by the end of the week - hopefully sooner.

v/r

MAJ Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Tuesday, March 12, 2013 12:25 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: potential stipulation (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Attached is a stipulation of admissibility for the physical evidence relevant to the charges and specifications. Let us know if you have any comments or concerns so we can hammer this out as soon as possible, realizing you have to discuss this with your client and David. Initially, it would be helpful to know if this product is what you had envisioned when we discussed the issue last week. Thanks.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Tooman, Joshua J CPT USARMY (US)
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David E. Coombs; Hurley, Thomas F MAJ USARMY (US)
Subject: Trent's travel (UNCLASSIFIED)
Date: Monday, March 18, 2013 9:06:23 AM

Classification: UNCLASSIFIED

Caveats: NONE

Chief

What is the status on arranging travel for Trent next week?

Thanks,

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

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Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: "coombs@armycourtmartialdefense.com"; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Re: PFC BM
Date: Friday, March 15, 2013 7:20:41 PM

David, We will coord.

----- Original Message -----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Friday, March 15, 2013 10:13 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: PFC BM

Joe,

Could you please arrange to have PFC BM brought to the Fort Meade TDS office on 9 April at 1300? Thank you.

Best,
David

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: PFC BM
Date: Friday, March 15, 2013 6:13:19 PM

Joe,

Could you please arrange to have PFC BM brought to the Fort Meade TDS office on 9 April at 1300? Thank you.

Best,
David

From: David E. Coombs
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Appellate Exhibits List (UNCLASSIFIED)
Date: Thursday, March 14, 2013 2:37:26 PM

Joe,

Thank you.

Best,
David

-----Original Message-----

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
[mailto:jodean.morrow.mil@mail.mil]
Sent: Thursday, March 14, 2013 2:00 PM
To: David E. Coombs; Overgaard, Angel M CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Appellate Exhibits List (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

As requested. Your most recent filing is highlighted in yellow.

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Thursday, March 14, 2013 1:54 PM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Appellate Exhibits List

Joe - Angel,

I never received a final version of the AE list from our last session.
Could you send me the latest copy that you have? Thanks.

Best,
David

Classification: UNCLASSIFIED
Caveats: NONE



From: Hurley, Thomas F MAJ USARMY (US)
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: Proposal (UNCLASSIFIED)
Date: Thursday, March 14, 2013 8:37:15 AM

CPT Morrow

Your assumption is correct!

Sorry for that typo.

MAJ Hurley

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Wednesday, March 13, 2013 7:02 PM
To: Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: RE: Proposal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

One thing - I assume you meant Guilty to Spec 5 of Charge III, not Spec 6?

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jfhqncr.northcom.mil.mil

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:Thomas.Hurley@osd.mil]
Sent: Wednesday, March 13, 2013 2:48 PM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: Proposal

CPT Morrow, et al:

We personally believe that the following specifications will merge:

Specifications 4-7 will merge into one ten year offense for the purpose of sentencing.

Specifications 8 & 9 will merge into one ten year offense for the purpose of sentencing.

Specifications 12 & 13 will merge into one ten year offense for the purpose of sentencing.

Based on that, please consider the following recommendation.

We plead as follows:

The Specification of Charge I and Charge I: Not Guilty* (aiding the enemy)

Specification 1 of Charge II: Guilty (posting on internet with knowledge that enemy could access) (full spec except dates)

Specification 2 of Charge II: Guilty (793 - collateral murder video) (full spec except dates)

Specification 3 of Charge II: Guilty (793 - OGA docs) (full spec except dates)

Specification 4 of Charge II: Guilty (641 - CIDNE(I)) (full spec except dates)^

Specification 5 of Charge II: Guilty (793 - CIDNE(I)) (full spec except dates)^

Specification 6 of Charge II: Guilty (641 - CIDNE(A)) (full spec except dates)^

Specification 7 of Charge II: Guilty (793 - CIDNE(A)) (full spec except dates)^

Specification 8 of Charge II: Guilty (641 - GTMO docs) (full spec except dates)@

Specification 9 of Charge II: Guilty (793 - GTMO docs) (full spec except dates)@

Specification 10 of Charge II: Guilty (793 - Farah docs) (full spec except dates)

Specification 11 of Charge II: Not Guilty (793 - Farah video) (no change to plea)*

Specification 12 of Charge II: Guilty (641 - DoS docs) (full spec except dates)&

Specification 13 of Charge II: Guilty (1030 - DoS docs) (no change to plea) & *

Specification 14 of Charge II: Guilty (1030 - Rey13 cable)(no change to plea)*

Specification 15: of Charge II: Guilty (793 - ACIC Report) (full spec except dates)

Specification 16 of Charge II: Not Guilty (641 - GAL) (no change to plea)*

To Charge II: Guilty

Specifications 1-5 of Charge III: Not Guilty*

Specification 6 of Charge III: Guilty (no change to plea)

To Charge III: Guilty

All Specifications marked with a * will either be dismissed outright upon acceptance of the plea or the greater offense will be dismissed upon acceptance of the plea.

All Specifications marked with a ^ will be merged for sentencing into one offense with a 10 year max.

All Specifications marked with a @ will be merged for sentencing into one offense with a 10 year max.

All Specifications marked with a & will be merged for sentencing into one offense with a 10 year max.

The max confinement for the plea: 118 years. The max confinement for sentencing after all of these mergers: 76 years.

We would further agree to:

1. A forensic merits SoF. (It will describe what Manning did with his computer, including the GAL, the Farah video, and the facts that support all

of the specifications that Manning is pleading guilty to.)

2. Stips for the damage assessments.

3. A stip for the John Doe information. (This is a one pager. On ___, UBL sent a ____ I to ____ that said _____. On ___, ____ sent a _____ back to UBL that said _____.) (You guys may be too young to get this, but the preceding parenthetical reads like something from The Match Game. YouTube it if you want to get the reference. When I was a kid, the only person I ever wanted to be was Gene Marshall.)

4. Submit no motion that requests unreasonable multiplication of charges as a matter of relief.

I know MAJ Fein is out of town. This can wait until he gets back. Just let me know that you got this message.

v/r
MAJ Hurley

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ OSD OMC Defense
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Tooman, Joshua J CPT USARMY (US); David Coombs (coombs@armycourtmartialdefense.com)
Subject: Proposal
Date: Wednesday, March 13, 2013 2:52:15 PM

CPT Morrow, et al:

We personally believe that the following specifications will merge:

Specifications 4-7 will merge into one ten year offense for the purpose of sentencing.
Specifications 8 & 9 will merge into one ten year offense for the purpose of sentencing.
Specifications 12 & 13 will merge into one ten year offense for the purpose of sentencing.

Based on that, please consider the following recommendation.

We plead as follows:

The Specification of Charge I and Charge I: Not Guilty* (aiding the enemy)

Specification I of Charge II: Guilty (posting on internet with knowledge that enemy could access) (full spec except dates)

Specification 2 of Charge II: Guilty (793 - collateral murder video) (full spec except dates)

Specification 3 of Charge II: Guilty (793 - OGA docs) (full spec except dates)

Specification 4 of Charge II: Guilty (641 - CIDNE(I)) (full spec except dates)^

Specification 5 of Charge II: Guilty (793 - CIDNE(I)) (full spec except dates)^

Specification 6 of Charge II: Guilty (641 - CIDNE(A)) (full spec except dates)^

Specification 7 of Charge II: Guilty (793 - CIDNE(A)) (full spec except dates)^

Specification 8 of Charge II: Guilty (641 - GTMO docs) (full spec except dates)@

Specification 9 of Charge II: Guilty (793 - GTMO docs) (full spec except dates)@

Specification 10 of Charge II: Guilty (793 - Farah docs) (full spec except dates)

Specification 11 of Charge II: Not Guilty (793 - Farah video) (no change to plea)*

Specification 12 of Charge II: Guilty (641 - DoS docs) (full spec except dates)&

Specification 13 of Charge II: Guilty (1030 - DoS docs) (no change to plea)*

Specification 14 of Charge II: Guilty (1030 - Rey13 cable)(no change to plea)*

Specification 15: of Charge II: Guilty (793 - ACIC Report) (full spec except dates)

Specification 16 of Charge II: Not Guilty (641 - GAL) (no change to plea)*

To Charge II: Guilty

Specifications 1-5 of Charge III: Not Guilty*

Specification 6 of Charge III: Guilty (no change to plea)

To Charge III: Guilty

All Specifications marked with a * will either be dismissed outright upon acceptance of the plea or the greater offense will be dismissed upon acceptance of the plea.

All Specifications marked with a ^ will be merged for sentencing into one offense with a 10 year max.

All Specifications marked with a @ will be merged for sentencing into one offense with a 10 year max.

All Specifications marked with a & will be merged for sentencing into one offense with a 10 year max.

The max confinement for the plea: 118 years. The max confinement for sentencing after all of these mergers: 76 years.

We would further agree to:

1. A forensic merits SoF. (It will describe what Manning did with his computer, including the GAL, the Farah video, and the facts that support all of the specifications that Manning is pleading guilty to.)

2. Stips for the damage assessments.
3. A stip for the John Doe information. (This is a one pager. On _____, UBL sent a ____ I to ____ that said _____. On _____, ____ sent a ____ back to UBL that said _____.) (You guys may be too young to get this, but the preceding parenthetical reads like something from The Match Game. YouTube it if you want to get the reference. When I was a kid, the only person I ever wanted to be was Gene Marshall.)
4. Submit no motion that requests unreasonable multiplication of charges as a matter of relief.

I know MAJ Fein is out of town. This can wait until he gets back. Just let me know that you got this message.

v/r
MAJ Hurley

From: David E. Coombs
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Overgaard, Angel M CPT USARMY (US)
Subject: RE: Testimonial Immunity Request (UNCLASSIFIED)
Date: Tuesday, March 12, 2013 5:11:58 PM

Joe,

Thank you for the update.

Best,
David

-----Original Message-----

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US) [mailto:jodean.morrow.mil@mail.mil]
Sent: Tuesday, March 12, 2013 1:13 PM
To: David E. Coombs; Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Overgaard, Angel M CPT USARMY (US)
Subject: RE: Testimonial Immunity Request (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We received the immunity request for CW2 Balonek. I'm sorry if we did not confirm receipt. We also agree that as a retiree, SFC Adkins is still subject to the code. However, there are other factors at play that make the processing of the immunity request more nuanced. We are doing research and owe you our position on that. Thanks.

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow.mil@mail.mil
SIPR: jodean.morrow@jfhqnrc.northcom.smil.mil

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Tuesday, March 12, 2013 11:54 AM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Testimonial Immunity Request

Joe,

Could you let me know if you are tracking on the immunity request for CW2 Balonek? Also, does the Government agree that SFC Adkins is still subject to the code for purposes of R.C.M. 704?

Best,
David

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>]
Sent: Thursday, March 7, 2013 11:26 AM
To: 'Fein, Ashden MAJ USARMY MDW (US)'; 'Hurley, Thomas F MAJ USARMY (US)'; 'Tooman, Joshua J CPT USARMY (US)'
Cc: 'Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)'; 'Overgaard, Angel M CPT USARMY (US)'
Subject: Testimonial Immunity Request

Ashden,

Please find attached a testimonial immunity request for CW2 Balonek. Let me know if you have any questions regarding this request.

In regards to the request for SFC Adkins, it is the Defense's position that he is still subject to the code for purposes of R.C.M. 704. Does the Government agree?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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Classification: UNCLASSIFIED
Caveats: NONE

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: Testimonial Immunity Request
Date: Tuesday, March 12, 2013 11:45:57 AM

Joe,

Could you let me know if you are tracking on the immunity request for CW2 Balonek? Also, does the Government agree that SFC Adkins is still subject to the code for purposes of R.C.M. 704?

Best,
David

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Thursday, March 7, 2013 11:26 AM
To: 'Fein, Ashden MAJ USARMY MDW (US)'; 'Hurley, Thomas F MAJ USARMY (US)';
'Tooman, Joshua J CPT USARMY (US)'
Cc: 'Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)'; 'Overgaard, Angel M
CPT USARMY (US)'
Subject: Testimonial Immunity Request

Ashden,

Please find attached a testimonial immunity request for CW2 Balonek. Let me know if you have any questions regarding this request.

In regards to the request for SFC Adkins, it is the Defense's position that he is still subject to the code for purposes of R.C.M. 704. Does the Government agree?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: "coombs@armycourtmartialdefense.com"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)
Date: Friday, March 08, 2013 9:23:48 AM

MAJ Fein

Josh's office is alongside the OSJA office. The address is 9990 Belvoir Drive on Fort Belvoir. The building number is 257. The TDS office is the closest entrance to the parking lot.

Thanks.

MAJ Hurley

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Friday, March 08, 2013 2:08 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: "coombs@armycourtmartialdefense.com"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

MAJ Fein

I can't imagine it makes much of a difference. Selfishly, I would rather meet at Belvoir because of post-meeting traffic. (I am driving out to Dulles to pick up my Mom who is coming to town for a visit.) But I am only one participant in this meeting. Whatever is best for the majority is fine by me.

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, March 08, 2013 2:02 PM
To: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Cc: "coombs@armycourtmartialdefense.com"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Re: meeting (UNCLASSIFIED)

Gents. Would it be easier to just meet at mcnair after your state meeting?

----- Original Message -----
From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 07, 2013 03:48 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: 'David Coombs' <coombs@armycourtmartialdefense.com>; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir

How about 1430? We are at DOS until 1300 and it will likely take more than an hour to metro home and then drive down to Belvoir.

v/r
Josh

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 07, 2013 9:39 AM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US);
Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

MAJ Hurley,

How would 1400 tomorrow in Josh's office? We will already be at Belvoir meeting with the MJ.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, March 07, 2013 9:34 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US);
Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

MAJ Fein

Today in person would be 1800 or later.

We have an 1130 today with Mr. Motes, a 1500 with Mr. Pearson, and a 1600 with Mr. McCarl. As I recall, JIEDDO is in the sticks, so I imagine that it will take us 30-45 minutes to get to McNair in the best driving conditions.

Would 1800 be OK?

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 07, 2013 2:23 PM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US);
Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

Thanks. I think in-person would be best, if possible. Are you available to meet in person today after 1400? Mr. Prather and Mr. Robertshaw just confirmed they are being read-on today, so our schedule tomorrow should be locked in.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, March 07, 2013 9:04 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US);
Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

MAJ Fein

CPT Tooman and I are available to talk about this at 1400 today telephonically or 1400 tomorrow either telephonically or in person. (We would prefer to handle it today given the uncertainty of your schedule tomorrow.)

Dave won't be participating in this meeting.

v/r
MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 07, 2013 1:17 PM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US);
Overgaard, Angel M CPT USARMY (US)
Subject: meeting

Gents,

How do your schedules look today and tomorrow for us to sit down and chat about possible terms of an OTP? We are free today after 1200, and tomorrow after 1300, assuming the ex parte session doesn't go for more than 2 hours.
Thanks!

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'coombs@armycourtmartialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Re: meeting (UNCLASSIFIED)
Date: Friday, March 08, 2013 9:14:40 AM

Belvoir is fine. We will see you there. Josh- where is your office?

----- Original Message -----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Friday, March 08, 2013 02:08 PM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'coombs@armycourtmartialdefense.com' <coombs@armycourtmartialdefense.com>; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)

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tfh

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To: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Cc: 'coombs@armycourtmartialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
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Classification: UNCLASSIFIED

Caveats: NONE

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Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyto, J Hunter CPT USARMY (US)
Subject: RE: meeting (UNCLASSIFIED)
Date: Thursday, March 07, 2013 11:26:00 AM

Sounds good. We will see ya'll at 1430, unless COL Lind decides to have a 3.5 hour session.

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From: Tooman, Joshua J CPT USARMY (US)
Sent: Thursday, March 07, 2013 10:49 AM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US);
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Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: Testimonial Immunity Request
Date: Thursday, March 07, 2013 11:25:57 AM
Attachments: CW2_Balonek's_Testimonial_Immunity.pdf

Ashden,

Please find attached a testimonial immunity request for CW2 Balonek. Let me know if you have any questions regarding this request.

In regards to the request for SFC Adkins, it is the Defense's position that he is still subject to the code for purposes of R.C.M. 704. Does the Government agree?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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Subject: RE: meeting (UNCLASSIFIED)
Date: Thursday, March 07, 2013 10:48:35 AM

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Sent: Thursday, March 07, 2013 1:17 PM

To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT

USARMY (US)

Subject: meeting

Gents,

How do your schedules look today and tomorrow for us to sit down and chat about possible terms of an OTP? We are free today after 1200, and tomorrow after 1300, assuming the ex parte session doesn't go for more than 2 hours. Thanks!

v/r

MAJ Fein

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: "David Coombs"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting
Date: Thursday, March 07, 2013 9:33:57 AM

MAJ Fein

Today in person would be 1800 or later.

We have an 1130 today with Mr. Motes, a 1500 with Mr. Pearson, and a 1600 with Mr. McCarl. As I recall, JIEDDO is in the sticks, so I imagine that it will take us 30-45 minutes to get to McNair in the best driving conditions.

Would 1800 be OK?

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 07, 2013 2:23 PM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

Thanks. I think in-person would be best, if possible. Are you available to meet in person today after 1400? Mr. Prather and Mr. Robertshaw just confirmed they are being read-on today, so our schedule tomorrow should be locked in.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, March 07, 2013 9:04 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

MAJ Fein

CPT Tooman and I are available to talk about this at 1400 today telephonically or 1400 tomorrow either telephonically or in person. (We would prefer to handle it today given the uncertainty of your schedule tomorrow.)

Dave won't be participating in this meeting.

v/r
MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 07, 2013 1:17 PM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)

Subject: meeting

Gents,

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Thanks!

v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: "David Coombs"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jarro A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy F CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: meeting
Date: Thursday, March 07, 2013 9:23:00 AM

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Sent: Thursday, March 07, 2013 9:04 AM
To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting

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Sent: Thursday, March 07, 2013 1:17 PM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: meeting

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To: Fein, Ashden MAJ USARMY MDW (US); Tooman, Joshua J CPT USARMY (US)
Cc: "David Coombs"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: RE: meeting
Date: Thursday, March 07, 2013 9:04:01 AM

MAJ Fein

CPT Tooman and I are available to talk about this at 1400 today telephonically or 1400 tomorrow either telephonically or in person. (We would prefer to handle it today given the uncertainty of your schedule tomorrow.)

Dave won't be participating in this meeting.

v/r
MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, March 07, 2013 1:17 PM
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: 'David Coombs'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Subject: meeting

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v/r
MAJ Fein

From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Redacted Statement
Date: Thursday, March 07, 2013 8:20:13 AM

Ashden,

Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Thursday, March 07, 2013 7:47 AM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: Redacted Statement

David,

We conducted a good faith review of the document and did not see any additional material that should be redacted. We will notify the Court.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]

Sent: Monday, March 04, 2013 1:04 PM

To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US);

Whyte, J Hunter CPT USARMY (US)

Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S

(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard,

Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A

(JP) CW2 USARMY USAMDW (US)

Subject: Redacted Statement

Ashden,

During last week's session, LTC Hughes mentioned that there had been numerous requests to obtain a copy of PFC BM statement. I have attached a redacted copy of the statement that I intend to publish. I also intend to redact PFC BM's signature. Please review the proposed redactions, and let me know if the Government has any objections.

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
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From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: "David Coombs"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Army E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: meeting
Date: Thursday, March 07, 2013 8:17:00 AM

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v/r
MAJ Fein

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David Coombs"
Cc: Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: Redacted Statement
Date: Thursday, March 07, 2013 7:46:00 AM

David,

We conducted a good faith review of the document and did not see any additional material that should be redacted.
We will notify the Court.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, March 04, 2013 1:04 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Redacted Statement

Ashden,

During last week's session, LTC Hughes mentioned that there had been numerous requests to obtain a copy of PFC BM statement. I have attached a redacted copy of the statement that I intend to publish. I also intend to redact PFC BM's signature. Please review the proposed redactions, and let me know if the Government has any objections.

Best,
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or use of this information may be unlawful and is prohibited.***

From: David E. Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: SFC Adkins - Testimonial Immunity
Date: Wednesday, March 06, 2013 3:30:00 PM

Thank you Ashden.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Wednesday, March 6, 2013 11:50 AM
To: David Coombs; Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: SFC Adkins - Testimonial Immunity

David,

As of today, our search of Army records show that SFC Adkins is retired from active duty. We were tracking that he was scheduled to deploy, so we are reaching out to 10MTN to confirm his retirement and determine if they have contact information for him. More to follow.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, March 04, 2013 4:47 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: SFC Adkins - Testimonial Immunity

Ashden,

Please process the following Defense request for testimonial immunity for SFC Adkins. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: SFC Adkins - Testimonial Immunity
Date: Wednesday, March 06, 2013 11:50:00 AM

David,

As of today, our search of Army records show that SFC Adkins is retired from active duty. We were tracking that he was scheduled to deploy, so we are reaching out to 10MTN to confirm his retirement and determine if they have contact information for him. More to follow.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, March 04, 2013 4:47 PM
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Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: SFC Adkins - Testimonial Immunity

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From: Fein, Ashden MAJ USARMY MDW (US)
To: Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); David Coombs; Kobs, Joe B MAJ USARMY (US); Hayden, Michael Finbar
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorris, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elton, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Fort Myer Safe (UNCLASSIFIED)
Date: Wednesday, March 06, 2013 10:18:00 AM

Josh,

JP will start working on the safe move. Are you asking for another printer, in addition to the one provided with the standalone computers?

MAJ Fein

-----Original Message-----

From: Tooman, Joshua J CPT USARMY (US)
Sent: Tuesday, March 05, 2013 11:32 AM
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); David Coombs; Kobs, Joe B MAJ USARMY (US); Hayden, Michael Finbar CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elton, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: Fort Myer Safe (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Chief Parra

Would it be possible to have the safe at Fort Myer moved to my office at Fort Belvoir?

Also, can you all set me up with a classified printer so I can print SECRET docs?

Thanks,

CPT T

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE



From: Tooman, Joshua J CPT USARMY (US)
To: Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); David Coombs; Kobs, Joe B MAJ USARMY (US); Hayden, Michael Finbar
Subject: CPT USARMY (US); Flakes, Kenyan S CIV (US)
Date: Fort Myer Safe (UNCLASSIFIED)
Tuesday, March 05, 2013 11:32:04 AM

Classification: UNCLASSIFIED

Caveats: NONE

Chief Parra

Would it be possible to have the safe at Fort Myer moved to my office at Fort Belvoir?

Also, can you all set me up with a classified printer so I can print SECRET docs?

Thanks,

CPT T

Joshua J. Tooman
CPT, JA
Trial Defense Counsel
9990 Belvoir Drive
Fort Belvoir, VA 22060
Tel: (703) 805-4383
Fax: (703) 805-4413
joshua.tooman@us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Hall, Cassius N CIV (US)
Subject: RE: Security Expert
Date: Tuesday, March 05, 2013 11:04:16 AM

MAJ Fein

Good news! See you there.

v/r
tfh

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, March 05, 2013 3:53 PM
To: Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Hall, Cassius N CIV (US)
Subject: RE: Security Expert

MAJ Hurley,

We spoke contacted ODNI and Cass is not required today. They see no issue with Cass not being there because we will be there as well. The purpose of the security expert is to assist in the proper marking and handling of notes. If the defense's intent is not to take notes at all or take notes that can be left with us, then there is no issue.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Tuesday, March 05, 2013 8:48 AM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Hall, Cassius N CIV (US)
Subject: Security Expert

MAJ Fein or CPT Morrow,

I see nothing in the Protective Order for Classified Information that would require the presence of any defense security expert (codenamed Cass Hall) this afternoon. Do the United States believe that he must be there?

I envision the schedule for the afternoon to be first our review of the damage assessments in order to highlight those portions we want to include in the final product to the Court. Then, I imagine that Josh and I would look over the documents by ourselves in order to identify any witnesses we want to examine with information from the NCIX Damage Assessment. Then, we leave.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Hall, Cassius N CIV (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Whyte, J Hunter CPT USARMY (US)
Subject: RE: Security Expert
Date: Tuesday, March 05, 2013 8:55:00 AM

MAJ Hurley,

We are calling ODNI to ensure they do not have an issue with this, as we support not having Cass there because we will be present. The Security Expert requirement originated from the equity holder, when they granted authorization to view their classified material. MTF.

v/r
MAJ Fein

-----Original Message-----

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Sent: Tuesday, March 05, 2013 8:48 AM
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
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Thanks.

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From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US); Hall, Cassius N CIV (US)
Subject: Security Expert
Date: Tuesday, March 05, 2013 8:47:52 AM

MAJ Fein or CPT Morrow,

I see nothing in the Protective Order for Classified Information that would require the presence of any defense security expert (codenamed Cass Hall) this afternoon. Do the United States believe that he must be there?

I envision the schedule for the afternoon to be first our review of the damage assessments in order to highlight those portions we want to include in the final product to the Court. Then, I imagine that Josh and I would look over the documents by ourselves in order to identify any witnesses we want to examine with information from the NCIX Damage Assessment. Then, we leave.

Thanks.

MAJ Hurley

From: Hurley, Thomas F MAJ USARMY (US)
To: patrick.murphy@dni.gov; Fein, Ashden MAJ USARMY MDW (US)
Cc: laura.s.kim@dni.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com; Hall, Cassius N CIV (US)
Subject: RE: Defense Access to ONCIX Doc
Date: Tuesday, March 05, 2013 8:30:27 AM

Mr. Murphy

Here's our personal information:

Joshua James Tooman
302-76-0906
8 April 1981
Fremont, OH

Thomas Fredrick Hurley
444-86-6197
8 April 1971
Altus, OK

See you this afternoon.

v/r
tth

From: patrick.murphy@dni.gov [patrick.murphy@dni.gov]
Sent: Monday, March 04, 2013 7:48 PM
To: Hurley, Thomas F MAJ USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: laura.s.kim@dni.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com; Hall, Cassius N CIV (US)
Subject: RE: Defense Access to ONCIX Doc

Attached are directions. We are in LX-2 so don't drive around the back to LX-1; rather, it is easiest to make a left after you go through the gate, go down the slight hill and park either in the ramp or the surface lot that is past the main LX-2 entrance. We are on the second floor on the right. If you get to Dunkin Donuts you have gone too far, unless you want some coffee before reviewing the document.

If you don't have a badge that will get you in, please send me your clearance information (full name, DOB, SSN, POB) so I can get you in the system.

If anyone needs to talk to me I'm at 703.275.2523.

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US) [mailto:thomas.f.hurley4.mil@mail.mil]
Sent: Monday, March 04, 2013 2:28 PM
To: Patrick T Murphy; Fein, Ashden MAJ USARMY MDW (US)
Cc: Laura S Kim; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com; Hall, Cassius N CIV (US)
Subject: RE: Defense Access to ONCIX Doc

All

Do we need to do anything in order to gain access to your building (e.g. send someone our clearance information)?

I have been there before, but could someone send me an address? A phone number would also be helpful in case we are running late tomorrow afternoon.

Thanks.

MAJ Hurley

From: patrick.murphy@dni.gov [patrick.murphy@dni.gov]
Sent: Monday, March 04, 2013 4:55 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: laura.s.kim@doi.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefence.com
Subject: RE: Defense Access to ONCIX Doc

I have booked our smaller conference room in the OGC space (2B-205 within the 2B-200 Suite) from 1-5 tomorrow afternoon. I can make 4 copies of the relevant document available.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fcin.mil@mail.mil]
Sent: Monday, March 04, 2013 8:40 AM
To: Hurley, Thomas F MAJ USARMY (US); Patrick T Murphy
Cc: Laura S Kim; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: RE: Defense Access to ONCIX Doc

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Mr. Murphy - is there space for the prosecution and defense to come over tomorrow and review 4 copies of the assessment, between 1 and 5pm?

Thank you!

v/r
Ashden

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From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, March 04, 2013 8:34 AM
To: Fein, Ashden MAJ USARMY MDW (US); 'patrick.murphy@dni.gov'
Cc: 'laura.s.kim@doi.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: RE: Defense Access to ONCIX Doc

All

How does sometime tomorrow afternoon sound (1p-5p)?

MAJ Fein, et al

Do you want to review all of the damage assessments together? It may save time to review all of the documents with us highlighting what we want, you all indicating what of our highlighted material the agency doesn't want to share, and the both of us finding appropriate ways to address those contentious portions.

That seems like the best way to get this done sooner rather than later and minimize the intrusion on our interagency partners.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, March 01, 2013 2:03 PM
To: 'patrick.murphy@dnii.gov'
Cc: 'laura.kim@dnii.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: Defense Access to ONCIX Doc

Mr. Murphy,

CCed are the members of the prosecution and defense teams.

Could you please assist with Major Hurley and Captain Tooman obtaining access to the ONCIX document early next week? We have asked the defense to provide us more specificity in their MRE 505(h) filing as to which witnesses, if any, they intend to share the document with, and what portions of the document. Both parties agreed that the defense must provide us this notice no later than March 8, 2013.

Thank you for your assistance!

v/r

Ashden

Ashden Fein
Major, US Army

From: Fein, Ashden MAJ USARMY MDW (US)
To: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy F CIV (US)
Subject: RE: SFC Adkins - Testimonial Immunity
Date: Monday, March 04, 2013 5:47:00 PM

David,

We received the document and will start processing. As you know, we have had a difficult time trying to talk with SFC Adkins, which is probably attributable to his brigade's upcoming deployment.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, March 04, 2013 4:47 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: SFC Adkins - Testimonial Immunity

Ashden,

Please process the following Defense request for testimonial immunity for SFC Adkins. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.

From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Teoman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: SFC Adkins - Testimonial Immunity
Date: Monday, March 04, 2013 4:49:25 PM
Attachments: [SFC Adkins Testimonial Immunity.pdf](#)

Ashden,

Please process the following Defense request for testimonial immunity for SFC Adkins. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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To: patrick.murphy@dn.gov; Fein, Ashden MAJ USARMY MDW (US)
Cc: laura.s.kim@dn.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com; Hall, Cassius N CIV (US)
Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 2:27:36 PM

All

Do we need to do anything in order to gain access to your building (e.g. send someone our clearance information)?

I have been there before, but could someone send me an address? A phone number would also be helpful in case we are running late tomorrow afternoon.

Thanks.

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Sent: Monday, March 04, 2013 4:55 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
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Subject: RE: Defense Access to ONCIX Doc

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Sent: Monday, March 04, 2013 8:40 AM
To: Hurley, Thomas F MAJ USARMY (US); Patrick T Murphy
Cc: Laura S Kim; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: RE: Defense Access to ONCIX Doc

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Mr. Murphy - is there space for the prosecution and defense to come over tomorrow and review 4 copies of the assessment, between 1 and 5pm?

Thank you!

v/r
Ashden

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)

Sent: Monday, March 04, 2013 8:34 AM

To: Fein, Ashden MAJ USARMY MDW (US); 'patrick.murphy@dn.gov'

Cc: 'laura.kim@dn.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs

Subject: RE: Defense Access to ONCIX Doc

All

How does sometime tomorrow afternoon sound (1p-5p)?

MAJ Fein, et al

Do you want to review all of the damage assessments together? It may save time to review all of the documents with us highlighting what we want, you all indicating what of our highlighted material the agency doesn't want to share, and the both of us finding appropriate ways to address those contentious portions.

That seems like the best way to get this done sooner rather than later and minimize the intrusion on our interagency partners.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, March 01, 2013 2:03 PM

To: 'patrick.murphy@dn.gov'

Cc: 'laura.kim@dn.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs

Subject: Defense Access to ONCIX Doc

Mr. Murphy,

CCed are the members of the prosecution and defense teams.

Could you please assist with Major Hurley and Captain Tooman obtaining access to the ONCIX document early next week? We have asked the defense to provide us more specificity in their MRE 505(h) filing as to which witnesses, if any, they intend to share the document with, and what portions of the document. Both parties agreed that the defense must provide us this notice no later than March 8, 2013.

Thank you for your assistance!

v/r

Ashden

Ashden Fein
Major, US Army

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To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
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Subject: RE: Defense Access to ONCIX Doc.
Date: Monday, March 04, 2013 2:27:00 PM

Thanks. We will see you tomorrow ready to knock out some damage assessments!

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, March 04, 2013 2:21 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefcnse.com
Subject: RE: Defense Access to ONCIX Doc

MAJ Fein

Take the time you need to mull. No need to involve the SJA until we can come to some kind of agreement. Our intent in that regard has not changed. My language below should have been more specific.

See you tomorrow!

v/r
MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, March 04, 2013 7:13 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

MAJ Hurley,

Thanks. Joe and I, at a minimum, will be there to discuss the damage assessments. We will bring the other assessments as well.

If you would like us to bring the charges/specs required by the CA for any OTP, then we will need more time to sit down with the SJA to discuss this and brief him. After last week, we thought you wanted to sit down with us and discuss what we (the TCs) thought could be sold to the SJA and the CA based on both parties coming to the table.

If that is still your intent, we will need more time to figure out the effects on sentencing, if any, and what would accomplish the SJA's intent. We can meet later this week to discuss this, if you would like, but we have not had enough time to even mull this over ourselves since last Thursday night.

v/r
MAJ Fein

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Sent: Monday, March 04, 2013 1:33 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

MAJ Fein

OK. We are certainly going to be at ONCIX tomorrow afternoon. Ideally, any prosecution rep that shows will do two things: (a) bring with them the other two DAs for our review and highlighting of applicable portions and (b) be able to identify the charges and specifications required by the CA for any OTP. I certainly understand if this late notice does not allow for either of those eventualities.

Thanks.

MAJ Hurley

From: patrick.murphy@dni.gov [patrick.murphy@dni.gov]
Sent: Monday, March 04, 2013 5:02 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: laura.s.kim@dni.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

Anybody who doesn't have access needs to send me DOB, SSN, full name and I think that ought to do it.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Monday, March 04, 2013 11:57 AM
To: Patrick T Murphy; Hurley, Thomas F MAJ USARMY (US)
Cc: Laura S Kim; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

Thank you. How is 1pm for all parties? We will meet at OGC.

What does the defense need to do in order to gain entry?

v/r
Ashden

-----Original Message-----

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To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
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Ashden

Ashden Fein
Major, US Army

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To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 2:20:33 PM

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See you tomorrow!

v/r
MAJ Hurley

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To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

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To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: laura.s.kim@dn.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

Anybody who doesn't have access needs to send me DOB, SSN, full name and I think that ought to do it.

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Sent: Monday, March 04, 2013 11:57 AM
To: Patrick T Murphy; Hurley, Thomas F MAJ USARMY (US)
Cc: Laura S Kim; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

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What does the defense need to do in order to gain entry?

v/r
Ashden

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Thank you!

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USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs

Subject: RE: Defense Access to ONCIX Doc

All

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MAJ Fein, et al

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Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorris, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadan, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alex) CPT USARMY (US)
Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 2:13:00 PM

MAJ Hurley,

Thanks. Joe and I, at a minimum, will be there to discuss the damage assessments. We will bring the other assessments as well.

If you would like us to bring the charges/specs required by the CA for any OTP, then we will need more time to sit down with the SJA to discuss this and brief him. After last week, we thought you wanted to sit down with us and discuss what we (the TCS) thought could be sold to the SJA and the CA based on both parties coming to the table.

If that is still your intent, we will need more time to figure out the effects on sentencing, if any, and what would accomplish the SJA's intent. We can meet later this week to discuss this, if you would like, but we have not had enough time to even mull this over ourselves since last Thursday night.

v/r
MAJ Fein

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Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 1:33:27 PM

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Major, US Army

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Subject: RE: Redacted Statement
Date: Monday, March 04, 2013 1:28:00 PM

David,

Thank you. We will review and get back to you shortly.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, March 04, 2013 1:04 PM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: Redacted Statement

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Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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Subject: Redacted Statement
Date: Monday, March 04, 2013 1:04:39 PM
Attachments: Manning's Providence Statement.pdf

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Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 11:56:58 AM

Thanks, Mr. Murphy!

We'll see you then.

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Cc: laura.s.kim@dni.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 11:56:00 AM

Thank you. How is 1pm for all parties? We will meet at OGC.

What does the defense need to do in order to gain entry?

v/r
Ashden

-----Original Message-----

From: patrick.murphy@dni.gov [mailto:patrick.murphy@dni.gov]
Sent: Monday, March 04, 2013 11:55 AM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US)
Cc: laura.s.kim@dni.gov; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); coombs@armycourtmartialdefense.com
Subject: RE: Defense Access to ONCIX Doc

I have booked our smaller conference room in the OGC space (2B-205 within the 2B-200 Suite) from 1-5 tomorrow afternoon. I can make 4 copies of the relevant document available.

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fcin.mil@mail.mil]
Sent: Monday, March 04, 2013 8:40 AM
To: Hurley, Thomas F MAJ USARMY (US); Patrick T Murphy
Cc: Laura S Kim; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: RE: Defense Access to ONCIX Doc

MAJ Hurley - That could work assuming ODNI is able to offer the space. However we will not be able to tell you what information equity holders will/will not object to until we take the highlighted portions and distribute them for processing. Now that the defense has committed to BM not viewing the original document, that processing should be much quicker. As we discussed last week- by us being there with you, we will be able to understand what portions are important to the defense and what generalizations, if any, the defense intends to make so that any summary adequately captures your intent.

Mr. Murphy - is there space for the prosecution and defense to come over tomorrow and review 4 copies of the assessment, between 1 and 5pm?

Thank you!

v/r
Ashden

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, March 04, 2013 8:34 AM
To: Fein, Ashden MAJ USARMY MDW (US); 'patrick.murphy@dni.gov'

Cc: 'laura.s.kim@dni.gov'; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs Subject: RE: Defense Access to ONCIX Doc

All

How does sometime tomorrow afternoon sound (1p-5p)?

MAJ Fein, et al

Do you want to review all of the damage assessments together? It may save time to review all of the documents with us highlighting what we want, you all indicating what of our highlighted material the agency doesn't want to share, and the both of us finding appropriate ways to address those contentious portions.

That seems like the best way to get this done sooner rather than later and minimize the intrusion on our interagency partners.

Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, March 01, 2013 2:03 PM
To: 'patrick.murphy@dni.gov'
Cc: 'laura.s.kim@dni.gov'; Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: Defense Access to ONCIX Doc

Mr. Murphy,

CCed are the members of the prosecution and defense teams.

Could you please assist with Major Hurley and Captain Tooman obtaining access to the ONCIX document early next week? We have asked the defense to provide us more specificity in their MRE 505(h) filing as to which witnesses, if any, they intend to share the document with, and what portions of the document. Both parties agreed that the defense must provide us this notice no later than March 8, 2013.

Thank you for your assistance!

v/r

Ashden

Ashden Fein
Major, US Army

From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Miroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: JRCF
Date: Monday, March 04, 2013 11:18:56 AM

Ashden,

Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fcin.mil@mail.mil]
Sent: Monday, March 04, 2013 10:59 AM
To: David Coombs; Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Miroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: RE: JRCF

FOR OFFICIAL USE ONLY

David,

BM will fly back on 8 March 2013.

v/r
Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefcnse.com]
Sent: Monday, March 04, 2013 10:50 AM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US);

Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard,
Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A
(JP) CW2 USARMY USAMDW (US)
Subject: JRCF

Ashden,

Can you provide me with a general timeframe for when PFC BM will be sent
back to the JRCF? Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USARMY MDW (US)
To: "David Coombs"; Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alcc) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: JRCF
Date: Monday, March 04, 2013 10:58:00 AM

FOR OFFICIAL USE ONLY

David,

BM will fly back on 8 March 2013.

v/r

Ashden

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Monday, March 04, 2013 10:50 AM
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alcc) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: JRCF

Ashden,

Can you provide me with a general timeframe for when PFC BM will be sent back to the JRCF? Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefencse.com

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From: David Coombs
To: Fein, Ashden MAJ USARMY MDW (US); Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Miroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Subject: JRCF
Date: Monday, March 04, 2013 10:50:50 AM

Ashden,

Can you provide me with a general timeframe for when PFC BM will be sent back to the JRCF? Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); 'patrick.murphy@dn.gov'
Cc: 'laura.s.kim@dn.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Carskadon, Amy E CIV (US); Mitroka, Katherine F CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)
Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 8:40:00 AM

MAJ Hurley - That could work assuming ODNI is able to offer the space. However we will not be able to tell you what information equity holders will/will not object to until we take the highlighted portions and distribute them for processing. Now that the defense has committed to BM not viewing the original document, that processing should be much quicker. As we discussed last week- by us being there with you, we will be able to understand what portions are important to the defense and what generalizations, if any, the defense intends to make so that any summary adequately captures your intent.

Mr. Murphy - is there space for the prosecution and defense to come over tomorrow and review 4 copies of the assessment, between 1 and 5pm?

Thank you!

v/r
Ashden

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, March 04, 2013 8:34 AM
To: Fein, Ashden MAJ USARMY MDW (US); 'patrick.murphy@dn.gov'
Cc: 'laura.s.kim@dn.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: RE: Defense Access to ONCIX Doc

All

How does sometime tomorrow afternoon sound (1p-5p)?

MAJ Fein, et al

Do you want to review all of the damage assessments together? It may save time to review all of the documents with us highlighting what we want, you all indicating what of our highlighted material the agency doesn't want to share, and the both of us finding appropriate ways to address those contentious portions.

That seems like the best way to get this done sooner rather than later and minimize the intrusion on our interagency partners.

Thanks,

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, March 01, 2013 2:03 PM
To: 'patrick.murphy@dn.gov'
Cc: 'laura.s.kim@dn.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US)

USARMY (US); Whyte, J Hunter CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: Defense Access to ONCIX Doc

Mr. Murphy,

CCed are the members of the prosecution and defense teams.

Could you please assist with Major Hurley and Captain Tooman obtaining access to the ONCIX document early next week? We have asked the defense to provide us more specificity in their MRE 505(h) filing as to which witnesses, if any, they intend to share the document with, and what portions of the document. Both parties agreed that the defense must provide us this notice no later than March 8, 2013.

Thank you for your assistance!

v/r

Ashden

Ashden Fein
Major, US Army

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); "patrick.murphy@dn.gov"
Cc: "laura.s.kim@dn.gov"; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: RE: Defense Access to ONCIX Doc
Date: Monday, March 04, 2013 8:34:08 AM

All

How does sometime tomorrow afternoon sound (1p-5p)?

MAJ Fein, et al

Do you want to review all of the damage assessments together? It may save time to review all of the documents with us highlighting what we want, you all indicating what of our highlighted material the agency doesn't want to share, and the both of us finding appropriate ways to address those contentious portions.

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Thanks.

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Friday, March 01, 2013 2:03 PM
To: 'patrick.murphy@dn.gov'
Cc: 'laura.s.kim@dn.gov'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); David Coombs
Subject: Defense Access to ONCIX Doc

Mr. Murphy,

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Could you please assist with Major Hurley and Captain Tooman obtaining access to the ONCIX document early next week? We have asked the defense to provide us more specificity in their MRE 505(h) filing as to which witnesses, if any, they intend to share the document with, and what portions of the document. Both parties agreed that the defense must provide us this notice no later than March 8, 2013.

Thank you for your assistance!

v/r

Ashden

Ashden Fein
Major, US Army

From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US)
Bcc: Clark, Derek D SGT USARMY USAMDW (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); McLamb, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US)
Subject: RE: 505(h) Filing
Date: Monday, March 04, 2013 8:33:00 AM

MAJ Hurley,

Good morning. As for the IT assistance- CW2 Parra can assist. He is responsible for all issues concerning any IT equipment, software, etc.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, March 04, 2013 8:28 AM
To: Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Subject: RE: 505(h) Filing

CPT Whyte

I hope your hopes are vindicated.

Who is the IT person that helps us out with our classified machine? I have some questions for them.

Thanks.

MAJ Hurley

From: Whyte, J Hunter CPT USARMY (US)
Sent: Friday, March 01, 2013 8:00 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Subject: RE: 505(h) Filing

MAJ Hurley,

During our discussion of MRE 505(h), you referenced some JIEDDO slides as part of what you intend to discuss with Mr. McCarl. I found three slideshow presentations that referenced the issue you raised. Here are the BATES numbers for those three documents: BATES 00419598-00419614, 00419615-00419626, 00419639-00419646. I hope this helps you provide more specificity per MRE 505(h).

Have a good weekend, Sir.

v/r
Hunter

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, February 25, 2013 7:17 AM
To: Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: RE: 505(h) Filing

All

I am going up to Fort Meade today to meet with Dave and Josh. I can bring the filing by before I leave, while there, or on my way back. I won't be checking this email again until around 1100, so please call if you need to hear from me before then.

MAJ Hurley
703-209-8061

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Saturday, February 23, 2013 4:35 AM
To: Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Re: 505(h) Filing

MAJ Hurley. Thank you. Let's plan on Monday either digitally or in-person.

Vr
MAJ Fein

----- Original Message -----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Saturday, February 23, 2013 04:24 AM
To: Overgaard, Angel M CPT USARMY (US); 'David E. Coombs' <coombs@armycourtmartialdefense.com>; Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: 505(h) Filing

All

Please let me know if you want me to deliver this classified filing to you over the weekend. You can do so by calling me at the number below. I apologize for not getting it to you today. You know how these things can be.

Tom Hurley
(703)209-8061

From: Overgaard, Angel M CPT USARMY (US)
Sent: Friday, February 22, 2013 7:31 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

The updated Stip is signed and attached. Thank you.

VR

Angel

ANGEL M. OVERGAARD
CPT, JA

Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:<mailto:coombs@armycourtmartialdcfcns.c>]
Sent: Friday, February 22, 2013 2:07 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

This is fine with me.

Best,
David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:<mailto:angel.m.overgaard.mil@mail.mil>]
Sent: Friday, February 22, 2013 1:53 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

Just one minor change. The edits changed the meaning of the third sentence, so I changed "was" to "may have been."

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to

capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it may have been because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable and I will sign and send. Thanks.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:<mailto:coombs@armycourtmartialdefense.com>]
Sent: Friday, February 22, 2013 1:29 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think your proposed changes sound fair. However, I think we should tweak the language to be consistent within the paragraph. Your last sentence says "either" meaning that to his knowledge CALL was not tasked to conduct a rapid adaption process or a detailed case study. What do you think of the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

If this above look good, then I am fine with signing the statement.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 12:55 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte,
J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I see your point in distinguishing between the rapid adaption process and the detailed case study. What if we just eliminate the timing portion? I think that would also eliminate the need to call Mr. Cindrich again.

Below, I deleted the timing portions and added the standard language that Mr. Cindrich found acceptable (i.e., not definitively knowing whether or not CALL was asked to do any work or in fact did perform any work).

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. If CALL was not asked to perform a rapid adaption process in this case, I do not know the reason. It is possible that if CALL did not perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable. If so, I will paste it in, sign it, and send it to you. Thank you.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartialdefense.com>
<mailto:coombs@armycourtmartialdefense.com>]]

Sent: Friday, February 22, 2013 11:21 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think we are close.

Mr. Cindrich did agree that it was possible that "If CALL did not perform a rapid adaption process, it may have been because the Army immediately addressed the issue of the leaks after they happened." He made this statement in a response to one of your questions. As such, I think it is fair to add this to the stipulation.

I do have some issues with the other additions as I believe that they give a false impression of what the actual facts are and what Mr. Cindrich would testify to if called as a witness:

1) "CALL is just one of the many sources for lessons learned in the Army."

CALL (Center for Army Lessons Learned) is the source for lessons learned in the Army. Obviously, each unit may also do a lessons learned on their own

if they wish. If that is what you are aiming for, I would not object to including something along the lines that "although CALL is the source for lessons learned in the Army, each unit or major command has the ability to capture its own lessons learned."

2) "It takes several months to complete a CALL study." While this may be true, this does not comport with what Mr. Cindrich would testify to about a rapid adaption process. The rapid adaption process is separate from a CALL

case study. Mr. Cindrich would testify that the rapid adaption process does not take several months to complete.

Given the above, I would agree to the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. I do not know why CALL was not asked to perform a rapid adaption process in this case. It is possible that CALL did not perform a rapid adaption process in this case because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If CALL had been requested to complete a rapid adaption process, this could have been completed by CALL in a matter of days or weeks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. A detailed case study can take several months to complete. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Let me know what you think about the above. I do not object to another conference call with Mr. Cindrich if you believe one is necessary.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
["><mailto:angel.m.overgaard.mil@mail.mil>](mailto:angel.m.overgaard.mil@mail.mil)]

Sent: Friday, February 22, 2013 9:56 AM

To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We initially reviewed the Stipulation with the view that it was going to be used in support of the defense motion, not that it was going to potentially be used at trial. Upon a secondary review with the view that the Stipulation would potentially being admissible at trial, we added a couple of lines to include what we would potentially elicit on cross examination if Mr.

Cindrich was called during the merits or sentencing. I think the additions were discussed during our phone call with Mr. Cindrich. We will sign the attached Stipulation if it is agreeable to the defense. The additions are tracked. Please let me know if you have any issues with the additions. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdcfcnse.com>
 [<mailto:coombs@armycourtmartialdcfnse.com>](mailto:coombs@armycourtmartialdcfnse.com)]

Sent: Wednesday, February 13, 2013 10:47 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

Thank you for getting back to me on this in a timely manner. I accepted all of the changes except for the "limited

purposes of the motion" language. I eliminated this language because the stip of expected testimony is not for the purposes of the motion. It is my understand that COL Lind has already determined that Mr. Cindrich would be relevant. However, due to his concerns about being associated with the case, she wanted us to see if we could enter into a stip of expected testimony. If I am wrong about this, you obviously can still object to the relevance of Mr. Cindrich. In other words, entering into a stip of expected testimony does not admit to the relevance or the admissibility of the information contained in the stip.

Let me know if you have any issues with this COA.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtmartialdefense.com
[<mailto:coombs@armycourtmartialdefense.com>](mailto:coombs@armycourtmartialdefense.com)

www.armycourtmartialdefense.com <<http://www.armycourtmartialdefense.com>>

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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies.
Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
[<mailto:angel.m.overgaard.mil@mail.mil>](mailto:angel.m.overgaard.mil@mail.mil)]

Sent: Wednesday, February 13, 2013 9:28 AM

To: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I made a couple minor changes, which I think more accurately reflect what Mr. Cindrich would say. In addition, I added that the Stipulation was for the limited purpose of the defense motion. Please let me know if you have any issues with the changes. Thank you!

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, February 08, 2013 3:38 PM

To: David Coombs; Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony

David,

Angel is traveling right now. We received the information and she will get back to you. Thank you.

v/r

Ashden

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>
 [<mailto:coombs@armycourtmartialdefense.com>](mailto:coombs@armycourtmartialdefense.com)]

Sent: Friday, February 08, 2013 3:02 PM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Stip of Expected Testimony

Angel,

I have attached a stipulation of expected testimony based upon our conversation with Mr. Cindrich and the latest version of his declaration.

Although Mr. Cindrich confirmed the facts regarding LTC Willis and CPT Tooman's second RFI during our conversation, I have attached the relevant email as additional support for your benefit. Let me know if you have any questions.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtmartialdefense.com
<<mailto:coombs@armycourtmartialdefense.com>>

www.armycourtmartialdefense.com <<http://www.armycourtmartialdefense.com>>

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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies.
Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Subject: RE: 505(h) Filing
Date: Monday, March 04, 2013 8:28:01 AM

CPT Whyte

I hope your hopes are vindicated.

Who is the IT person that helps us out with our classified machine? I have some questions for them.

Thanks.

MAJ Hurley

From: Whyte, J Hunter CPT USARMY (US)
Sent: Friday, March 01, 2013 8:00 PM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Subject: RE: 505(h) Filing

MAJ Hurley,

During our discussion of MRE 505(h), you referenced some JIEDDO slides as part of what you intend to discuss with Mr. McCarl. I found three slideshow presentations that referenced the issue you raised. Here are the BATES numbers for those three documents: BATES 00419598-00419614, 00419615-00419626, 00419639-00419646. I hope this helps you provide more specificity per MRE 505(h).

Have a good weekend, Sir.

v/r
Hunter

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Monday, February 25, 2013 7:17 AM
To: Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: RE: 505(h) Filing

All

I am going up to Fort Meade today to meet with Dave and Josh. I can bring the filing by before I leave, while there, or on my way back. I won't be checking this email again until around 1100, so please call if you need to hear from me before then.

MAJ Hurley
703-209-8061

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Saturday, February 23, 2013 4:35 AM
To: Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Re: 505(h) Filing

MAJ Hurley. Thank you. Let's plan on Monday either digitally or in-person.

Vr
MAJ Fein

----- Original Message -----
From: Hurley, Thomas F MAJ USARMY (US)
Sent: Saturday, February 23, 2013 04:24 AM
To: Overgaard, Angel M CPT USARMY (US); 'David E. Coombs' <coombs@armycourtmartialdefense.com>;
Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US);
Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US)
Subject: 505(h) Filing

All

Please let me know if you want me to deliver this classified filing to you over the weekend. You can do so by calling me at the number below. I apologize for not getting it to you today. You know how these things can be.

Tom Hurley
(703)209-8061

From: Overgaard, Angel M CPT USARMY (US)
Sent: Friday, February 22, 2013 7:31 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US);
Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

The updated Stip is signed and attached. Thank you.

VR
Angel

ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartialdcfense.com>]
Sent: Friday, February 22, 2013 2:07 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

This is fine with me.

Best,
David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [<mailto:angcl.m.overgaard.mil@mail.mil>]
Sent: Friday, February 22, 2013 1:53 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

Just one minor change. The edits changed the meaning of the third sentence, so I changed "was" to "may have been."

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it may have been because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable and I will sign and send. Thanks.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartialdcfense.com>]
Sent: Friday, February 22, 2013 1:29 PM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think your proposed changes sound fair. However, I think we should tweak the language to be consistent within the paragraph. Your last sentence says "either" meaning that to his knowledge CALL was not tasked to conduct a rapid adaption process or a detailed case study. What do you think of the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

If this above look good, then I am fine with signing the statement.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 12:55 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I see your point in distinguishing between the rapid adaption process and the detailed case study. What if we just eliminate the timing portion? I think that would also eliminate the need to call Mr. Cindrich again.

Below, I deleted the timing portions and added the standard language that Mr. Cindrich found acceptable (i.e., not definitively knowing whether or not CALL was asked to do any work or in fact did perform any work).

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. If CALL was not asked to perform a rapid adaption process in this case, I do not know the reason. It is possible that if CALL did not perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable. If so, I will paste it in, sign it, and send it to you. Thank you.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartialdefense.com>
 [<mailto:coombs@armycourtmartialdefense.com>](mailto:coombs@armycourtmartialdefense.com)]

Sent: Friday, February 22, 2013 11:21 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think we are close.

Mr. Cindrich did agree that it was possible that "If CALL did not perform a rapid adaption process, it may have been because the Army immediately addressed the issue of the leaks after they happened." He made this statement in a response to one of your questions. As such, I think it is fair to add this to the stipulation.

I do have some issues with the other additions as I believe that they give a false impression of what the actual facts are and what Mr. Cindrich would testify to if called as a witness:

- 1) "CALL is just one of the many sources for lessons learned in the Army."

CALL (Center for Army Lessons Learned) is the source for lessons learned in the Army. Obviously, each unit may also do a lessons learned on their own

if they wish. If that is what you are aiming for, I would not object to including something along the lines that "although CALL is the source for lessons learned in the Army, each unit or major command has the ability to capture its own lessons learned."

- 2) "It takes several months to complete a CALL study." While this may be true, this does not comport with what Mr. Cindrich would testify to about a rapid adaption process. The rapid adaption process is separate from a CALL case study. Mr. Cindrich would testify that the rapid adaption process does not take several months to complete.

Given the above, I would agree to the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. I do not know why CALL was not asked to perform a rapid adaption process in this case. It is possible that CALL did not perform a rapid adaption process in this case because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If CALL had been requested to complete a rapid adaption process, this could have been completed by CALL in a matter of days or weeks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. A detailed case study can take several months to complete. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Let me know what you think about the above. I do not object to another conference call with Mr. Cindrich if you believe one is necessary.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
 <mailto:angel.m.overgaard.mil@mail.mil>]

Sent: Friday, February 22, 2013 9:56 AM

To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We initially reviewed the Stipulation with the view that it was going to be used in support of the defense motion, not that it was going to potentially be used at trial. Upon a secondary review with the view that the Stipulation would potentially being admissible at trial, we added a couple of lines to include what we would potentially elicit on cross examination if Mr.

Cindrich was called during the merits or sentencing. I think the additions were discussed during our phone call with Mr. Cindrich. We will sign the attached Stipulation if it is agreeable to the defense. The additions are tracked. Please let me know if you have any issues with the additions. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>
<mailto:coombs@armycourtmartialdefensc.com>]]

Sent: Wednesday, February 13, 2013 10:47 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

Thank you for getting back to me on this in a timely manner. I accepted all of the changes except for the "limited purposes of the motion" language. I eliminated this language because the stip of expected testimony is not for the purposes of the motion. It is my understand that COL Lind has already determined that Mr. Cindrich would be relevant. However, due to his concerns about being associated with the case, she wanted us to see if we could enter into a stip of expected testimony. If I am wrong about this, you obviously can still object to the relevance of Mr. Cindrich. In other words, entering into a stip of expected testimony does not admit to the relevance or the admissibility of the information contained in the stip.

Let me know if you have any issues with this COA.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtmartialdefense.com
<mailto:coombs@armycourtmartialdefense.com>

www.armycourtmartialdefense.com <<http://www.armycourtmartialdefense.com>>

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-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
<mailto:angel.m.overgaard.mil@mail.mil>]

Sent: Wednesday, February 13, 2013 9:28 AM

To: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I made a couple minor changes, which I think more accurately reflect what Mr. Cindrich would say. In addition, I added that the Stipulation was for the limited purpose of the defense motion. Please let me know if you have any issues with the changes. Thank you!

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, February 08, 2013 3:38 PM

To: David Coombs; Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony

David,

Angel is traveling right now. We received the information and she will get back to you. Thank you.

v/r

Ashden

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>
 [<mailto:coombs@armycourtmartialdefense.com>](mailto:coombs@armycourtmartialdefense.com)]

Sent: Friday, February 08, 2013 3:02 PM

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Subject: Stip of Expected Testimony

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I have attached a stipulation of expected testimony based upon our conversation with Mr. Cindrich and the latest version of his declaration.

Although Mr. Cindrich confirmed the facts regarding LTC Willis and CPT Tooman's second RFI during our conversation, I have attached the relevant email as additional support for your benefit. Let me know if you have any questions.

Best,

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Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: RE: 505(h) Filing
Date: Monday, February 25, 2013 7:16:59 AM

All

I am going up to Fort Meade today to meet with Dave and Josh. I can bring the filing by before I leave, while there, or on my way back. I won't be checking this email again until around 1100, so please call if you need to hear from me before then.

MAJ Hurley
703-209-8061

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Saturday, February 23, 2013 4:35 AM
To: Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Re: 505(h) Filing

MAJ Hurley. Thank you. Let's plan on Monday either digitally or in-person.

Vr
MAJ Fein

----- Original Message -----
From: Hurley, Thomas F MAJ USARMY (US)
Sent: Saturday, February 23, 2013 04:24 AM
To: Overgaard, Angel M CPT USARMY (US); 'David E. Coombs' <coombs@armycourtmartialdefense.com>; Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: 505(h) Filing

All

Please let me know if you want me to deliver this classified filing to you over the weekend. You can do so by calling me at the number below. I apologize for not getting it to you today. You know how these things can be.

Tom Hurley
(703)209-8061

From: Overgaard, Angel M CPT USARMY (US)
Sent: Friday, February 22, 2013 7:31 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

The updated Stip is signed and attached. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:<mailto:coombs@armycourtmartialdefense.com>]

Sent: Friday, February 22, 2013 2:07 PM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

This is fine with me.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:<mailto:angel.m.overgaard.mil@mail.mil>]

Sent: Friday, February 22, 2013 1:53 PM

To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

Just one minor change. The edits changed the meaning of the third sentence, so I changed "was" to "may have been."

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it may have been because either the information leaked did not warrant a rapid adaption response or the

Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable and I will sign and send. Thanks.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:<mailto:coombs@armycourtmartialdefense.com>]
Sent: Friday, February 22, 2013 1:29 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think your proposed changes sound fair. However, I think we should tweak the language to be consistent within the paragraph. Your last sentence says "either" meaning that to his knowledge CALL was not tasked to conduct a rapid adaption process or a detailed case study. What do you think of the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

If this above look good, then I am fine with signing the statement.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil]

Sent: Friday, February 22, 2013 12:55 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte,
J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I see your point in distinguishing between the rapid adaption process and the detailed case study. What if we just eliminate the timing portion? I think that would also eliminate the need to call Mr. Cindrich again.

Below, I deleted the timing portions and added the standard language that Mr. Cindrich found acceptable (i.e., not definitively knowing whether or not CALL was asked to do any work or in fact did perform any work).

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. If CALL was not asked to perform a rapid adaption process in this case, I do not know the reason. It is possible that if CALL did not perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable. If so, I will paste it in, sign it, and send it to you. Thank you.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [<mailto:coombs@armycourtmartialdefense.com>
<mailto:coombs@armycourtmartialdefense.com>]]

Sent: Friday, February 22, 2013 11:21 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think we are close.

Mr. Cindrich did agree that it was possible that "If CALL did not perform a rapid adaption process, it may have been because the Army immediately addressed the issue of the leaks after they happened." He made this statement in a response to one of your questions. As such, I think it is fair to add this to the stipulation.

I do have some issues with the other additions as I believe that they give a false impression of what the actual facts are and what Mr. Cindrich would testify to if called as a witness:

1) "CALL is just one of the many sources for lessons learned in the Army."

CALL (Center for Army Lessons Learned) is the source for lessons learned in the Army. Obviously, each unit may also do a lessons learned on their own

if they wish. If that is what you are aiming for, I would not object to including something along the lines that "although CALL is the source for lessons learned in the Army, each unit or major command has the ability to capture its own lessons learned."

2) "It takes several months to complete a CALL study." While this may be true, this does not comport with what Mr. Cindrich would testify to about a rapid adaption process. The rapid adaption process is separate from a CALL case study. Mr. Cindrich would testify that the rapid adaption process does not take several months to complete.

Given the above, I would agree to the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. I do not know why CALL was not asked to perform a rapid adaption process in this case. It is possible that CALL did not perform a rapid adaption process in this case because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If CALL had been requested to complete a rapid adaption process, this could have been completed by CALL in a matter of days or weeks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. A detailed case study can take several months to complete. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Let me know what you think about the above. I do not object to another conference call with Mr. Cindrich if you believe one is necessary.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
 <<mailto:angel.m.overgaard.mil@mail.mil>>]

Sent: Friday, February 22, 2013 9:56 AM

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Classification: UNCLASSIFIED

Caveats: NONE

David,

We initially reviewed the Stipulation with the view that it was going to be used in support of the defense motion, not that it was going to potentially be used at trial. Upon a secondary review with the view that the Stipulation would potentially be admissible at trial, we added a couple of lines to include what we would potentially elicit on cross examination if Mr.

Cindrich was called during the merits or sentencing. I think the additions were discussed during our phone call with Mr. Cindrich. We will sign the attached Stipulation if it is agreeable to the defense. The additions are tracked. Please let me know if you have any issues with the additions. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

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David E. Coombs, Esq.

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Local: (508) 689-4616

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From: Fein, Ashden MAJ USARMY MDW (US)
To: Hurley, Thomas F MAJ USARMY (US); Overgaard, Angel M CPT USARMY (US); 'coombs@armycourtmartialdefense.com'; Tooman, Joshua J CPT USARMY (US)
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Bcc: von Elten, Alexander S (Alec) CPT USARMY (US); McLain, Amber M SGT USARMY MDW (US); Carskadon, Amy E CIV (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Parra, Jairo A (JP) CW2 USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Mitroka, Katherine F CPT USARMY (US)
Subject: Re: 505(h) Filing
Date: Friday, February 22, 2013 11:35:47 PM

MAJ Hurley. Thank you. Let's plan on Monday either digitally or in-person.

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MAJ Fein

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Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: 505(h) Filing

All

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Tom Hurley
(703)209-8061

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To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

The updated Stip is signed and attached. Thank you.

VR
Angel

ANGEL M. OVERGAARD
CPT, JA

Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefensc.com]
Sent: Friday, February 22, 2013 2:07 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

This is fine with me.

Best,
David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 1:53 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

Just one minor change. The edits changed the meaning of the third sentence, so I changed "was" to "may have been."

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it may have been because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable and I will sign and send. Thanks.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdcfense.com]
Sent: Friday, February 22, 2013 1:29 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think your proposed changes sound fair. However, I think we should tweak the language to be consistent within the paragraph. Your last sentence says "either" meaning that to his knowledge CALL was not tasked to conduct a rapid adaption process or a detailed case study. What do you think of the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

If this above look good, then I am fine with signing the statement.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 12:55 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I see your point in distinguishing between the rapid adaption process and the detailed case study. What if we just eliminate the timing portion? I think that would also eliminate the need to call Mr. Cindrich again.

Below, I deleted the timing portions and added the standard language that Mr. Cindrich found acceptable (i.e., not definitively knowing whether or not CALL was asked to do any work or in fact did perform any work).

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. If CALL was not asked to perform a rapid adaption process in this case, I do not know the reason. It is possible that if CALL did not perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable. If so, I will paste it in, sign it, and send it to you. Thank you.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com
 <mailto:coombs@armycourtmartialdefense.com>]

Sent: Friday, February 22, 2013 11:21 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alcc) CPT USARMY (US); Mitroka, Katherine F CPT

USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think we are close.

Mr. Cindrich did agree that it was possible that "If CALL did not perform a rapid adaption process, it may have been because the Army immediately addressed the issue of the leaks after they happened." He made this statement in a response to one of your questions. As such, I think it is fair to add this to the stipulation.

I do have some issues with the other additions as I believe that they give a false impression of what the actual facts are and what Mr. Cindrich would testify to if called as a witness:

1) "CALL is just one of the many sources for lessons learned in the Army."

CALL (Center for Army Lessons Learned) is the source for lessons learned in the Army. Obviously, each unit may also do a lessons learned on their own

if they wish. If that is what you are aiming for, I would not object to including something along the lines that "although CALL is the source for lessons learned in the Army, each unit or major command has the ability to capture its own lessons learned."

2) "It takes several months to complete a CALL study." While this may be true, this does not comport with what Mr. Cindrich would testify to about a rapid adaption process. The rapid adaption process is separate from a CALL case study. Mr. Cindrich would testify that the rapid adaption process does not take several months to complete.

Given the above, I would agree to the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. I do not know why CALL was not asked to perform a rapid adaption process in this case. It is possible that CALL did not perform a rapid adaption process in this case because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If CALL had been requested to complete a rapid adaption process, this could have been completed by CALL in a matter of days or weeks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. A detailed case study can take several months to complete. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Let me know what you think about the above. I do not object to another conference call with Mr. Cindrich if you believe one is necessary.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angcl.m.overgaard.mil@mail.mil
[\[mailto:angcl.m.overgaard.mil@mail.mil\]](mailto:angcl.m.overgaard.mil@mail.mil)]

Sent: Friday, February 22, 2013 9:56 AM

To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We initially reviewed the Stipulation with the view that it was going to be used in support of the defense motion, not that it was going to potentially be used at trial. Upon a secondary review with the view that the Stipulation would potentially being admissible at trial, we added a couple of lines to include what we would potentially elicit on cross examination if Mr.

Cindrich was called during the merits or sentencing. I think the additions were discussed during our phone call with Mr. Cindrich. We will sign the attached Stipulation if it is agreeable to the defense. The additions are tracked. Please let me know if you have any issues with the additions. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>
<mailto:coombs@armycourtmartialdefense.com>]]

Sent: Wednesday, February 13, 2013 10:47 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

Thank you for getting back to me on this in a timely manner. I accepted all of the changes except for the "limited purposes of the motion" language. I eliminated this language because the stip of expected testimony is not for the purposes of the motion. It is my understand that COL Lind has already determined that Mr. Cindrich would be relevant. However, due to his concerns about being associated with the case, she wanted us to see if we could enter into a stip of expected testimony. If I am wrong about this, you obviously can still object to the relevance of Mr. Cindrich. In other words, entering into a stip of expected testimony does not admit to the relevance or the admissibility of the information contained in the stip.

Let me know if you have any issues with this COA.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtmartialdefense.com
<mailto:coombs@armycourtmartialdefense.com>

www.armycourtmartialdefense.com <<http://www.armycourtmartialdefense.com>>

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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
<mailto:angel.m.overgaard.mil@mail.mil>]

Sent: Wednesday, February 13, 2013 9:28 AM

To: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I made a couple minor changes, which I think more accurately reflect what Mr. Cindrich would say. In addition, I added that the Stipulation was for the limited purpose of the defense motion. Please let me know if you have any issues with the changes. Thank you!

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, February 08, 2013 3:38 PM

To: David Coombs; Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony

David,

Angel is traveling right now. We received the information and she will get back to you. Thank you.

v/r

Ashden

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>
<mailto:coombs@armycourtmartialdefense.com>]]

Sent: Friday, February 08, 2013 3:02 PM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Stip of Expected Testimony

Angel,

I have attached a stipulation of expected testimony based upon our conversation with Mr. Cindrich and the latest version of his declaration.

Although Mr. Cindrich confirmed the facts regarding LTC Willis and CPT Tooman's second RFI during our conversation, I have attached the relevant email as additional support for your benefit. Let me know if you have any questions.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtmartialdefense.com
<<mailto:coombs@armycourtmartialdefense.com>>

www.armycourtmartialdefense.com <<http://www.armycourtmartialdefense.com>>

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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

Classification: UNCLASSIFIED

Caveats: NONE

From: Hurley, Thomas F MAJ USARMY (US)
To: Overgaard, Angel M CPT USARMY (US); 'David E. Coombs'; Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter
CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US)
Subject: 505(h) Filing
Date: Friday, February 22, 2013 11:24:17 PM

All

Please let me know if you want me to deliver this classified filing to you over the weekend. You can do so by calling me at the number below. I apologize for not getting it to you today. You know how these things can be.

Tom Hurley
(703)209-8061

From: Overgaard, Angel M CPT USARMY (US)
Sent: Friday, February 22, 2013 7:31 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US);
Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F
CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

The updated Stip is signed and attached. Thank you.

VR
Angel

ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]
Sent: Friday, February 22, 2013 2:07 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US)
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J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

This is fine with me.

Best,

David

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Sent: Friday, February 22, 2013 1:53 PM
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David,

Just one minor change. The edits changed the meaning of the third sentence, so I changed "was" to "may have been."

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it may have been because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable and I will sign and send. Thanks.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

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Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think your proposed changes sound fair. However, I think we should tweak the language to be consistent within the paragraph. Your last sentence says "either" meaning that to his knowledge CALL was not tasked to conduct a rapid adaption process or a detailed case study. What do you think of the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

If this above look good, then I am fine with signing the statement.

Best,

David

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From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 12:55 PM
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Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I see your point in distinguishing between the rapid adaption process and the detailed case study. What if we just eliminate the timing portion? I think that would also eliminate the need to call Mr. Cindrich again.

Below, I deleted the timing portions and added the standard language that Mr. Cindrich found acceptable (i.e., not definitively knowing whether or not CALL was asked to do any work or in fact did perform any work).

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. If CALL was not asked to perform a rapid adaption process in this case, I do not know the reason. It is possible that if CALL did not perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues

presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable. If so, I will paste it in, sign it, and send it to you. Thank you.

VR

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CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

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<mailto:coombs@armycourtmartialdefense.com>]]

Sent: Friday, February 22, 2013 11:21 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think we are close.

Mr. Cindrich did agree that it was possible that "If CALL did not perform a rapid adaption process, it may have been because the Army immediately addressed the issue of the leaks after they happened." He made this statement in a response to one of your questions. As such, I think it is fair to add this to the stipulation.

I do have some issues with the other additions as I believe that they give a false impression of what the actual facts are and what Mr. Cindrich would testify to if called as a witness:

- 1) "CALL is just one of the many sources for lessons learned in the Army."

CALL (Center for Army Lessons Learned) is the source for lessons learned in

the Army. Obviously, each unit may also do a lessons learned on their own

if they wish. If that is what you are aiming for, I would not object to including something along the lines that "although CALL is the source for lessons learned in the Army, each unit or major command has the ability to capture its own lessons learned."

- 2) "It takes several months to complete a CALL study." While this may be true, this does not comport with what Mr. Cindrich would testify to about a rapid adaption process. The rapid adaption process is separate from a CALL case study. Mr. Cindrich would testify that the rapid adaption process does not take several months to complete.

Given the above, I would agree to the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. I do not know why CALL was not asked to perform a rapid adaption process in this case. It is possible that CALL did not perform a rapid adaption process in this case because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If CALL had been requested to complete a rapid adaption process, this could have been completed by CALL in a matter of days or weeks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. A detailed case study can take several months to complete. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Let me know what you think about the above. I do not object to another conference call with Mr. Cindrich if you believe one is necessary.

Best,

David

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From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
 <<mailto:angel.m.overgaard.mil@mail.mil>>]

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Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We initially reviewed the Stipulation with the view that it was going to be used in support of the defense motion, not that it was going to potentially be used at trial. Upon a secondary review with the view that the Stipulation would potentially being admissible at trial, we added a couple of lines to include what we would potentially elicit on cross examination if Mr.

Cindrich was called during the merits or sentencing. I think the additions were discussed during our phone call with Mr. Cindrich. We will sign the attached Stipulation if it is agreeable to the defense. The additions are tracked. Please let me know if you have any issues with the additions. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David Coombs [mailto:coombs@armycourtmartialdefense.com]

<<mailto:coombs@armycourtmartialdefense.com>>]

Sent: Wednesday, February 13, 2013 10:47 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

Thank you for getting back to me on this in a timely manner. I accepted all of the changes except for the "limited purposes of the motion" language. I eliminated this language because the stip of expected testimony is not for the purposes of the motion. It is my understand that COL Lind has already determined that Mr. Cindrich would be relevant. However, due to his concerns about being associated with the case, she wanted us to see if we could enter into a stip of expected testimony. If I am wrong about this, you obviously can still object to the relevance of Mr. Cindrich. In other words, entering into a stip of expected testimony does not admit to the relevance or the admissibility of the information contained in the stip.

Let me know if you have any issues with this COA.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

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-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US) [mailto:angel.m.overgaard.mil@mail.mil
 <mailto:angel.m.overgaard.mil@mail.mil>]

Sent: Wednesday, February 13, 2013 9:28 AM

To: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I made a couple minor changes, which I think more accurately reflect what Mr. Cindrich would say. In addition, I added that the Stipulation was for the limited purpose of the defense motion. Please let me know if you have any issues with the changes. Thank you!

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, February 08, 2013 3:38 PM

To: David Coombs; Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony

David,

Angel is traveling right now. We received the information and she will get back to you. Thank you.

v/r

Ashden

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com>
<mailto:coombs@armycourtmartialdefense.com>]]

Sent: Friday, February 08, 2013 3:02 PM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: Stip of Expected Testimony

Angel,

I have attached a stipulation of expected testimony based upon our conversation with Mr. Cindrich and the latest version of his declaration.

Although Mr. Cindrich confirmed the facts regarding LTC Willis and CPT Tooman's second RFI during our conversation, I have attached the relevant email as additional support for your benefit. Let me know if you have any questions.

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

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coombs@armycourtmartialdefense.com
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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies.
Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

Classification: UNCLASSIFIED

Caveats: NONE

From: David E. Coombs
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)
Date: Friday, February 22, 2013 2:07:37 PM

Angel,

This is fine with me.

Best,
David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US)
[mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 1:53 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

Just one minor change. The edits changed the meaning of the third sentence, so I changed "was" to "may have been."

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it may have been because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable and I will sign and send. Thanks.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
Fort McNair, DC
(202) 685-2051/1975

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Friday, February 22, 2013 1:29 PM
To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US);
Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec)
CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2
USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think your proposed changes sound fair. However, I think we should tweak the language to be consistent within the paragraph. Your last sentence says "either" meaning that to his knowledge CALL was not tasked to conduct a rapid adaption process or a detailed case study. What do you think of the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. To my knowledge, CALL was not asked to perform a rapid adaption process in this case. If CALL was not asked to perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

If this above look good, then I am fine with signing the statement.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US)
[mailto:angel.m.overgaard.mil@mail.mil]
Sent: Friday, February 22, 2013 12:55 PM
To: 'David E. Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J
CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY
USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec)

CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2
USARMY (US)
Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

I see your point in distinguishing between the rapid adaption process and the detailed case study. What if we just eliminate the timing portion? I think that would also eliminate the need to call Mr. Cindrich again.

Below, I deleted the timing portions and added the standard language that Mr. Cindrich found acceptable (i.e., not definitively knowing whether or not CALL was asked to do any work or in fact did perform any work).

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. If CALL was not asked to perform a rapid adaption process in this case, I do not know the reason. It is possible that if CALL did not perform a rapid adaption process in this case, it was because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Please let me know if this is acceptable. If so, I will paste it in, sign it, and send it to you. Thank you.

VR

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

-----Original Message-----

From: David E. Coombs [mailto:<mailto:coombs@armycourtmartialdefense.com>
 <mailto:<mailto:coombs@armycourtmartialdefense.com>>]

Sent: Friday, February 22, 2013 11:21 AM

To: Overgaard, Angel M CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Angel,

I think we are close.

Mr. Cindrich did agree that it was possible that "If CALL did not perform a rapid adaption process, it may have been because the Army immediately addressed the issue of the leaks after they happened." He made this statement in a response to one of your questions. As such, I think it is fair to add this to the stipulation.

I do have some issues with the other additions as I believe that they give a false impression of what the actual facts are and what Mr. Cindrich would testify to if called as a witness:

1) "CALL is just one of the many sources for lessons learned in the Army."

CALL (Center for Army Lessons Learned) is the source for lessons learned in the Army. Obviously, each unit may also do a lessons learned on their own if they wish. If that is what you are aiming for, I would not object to including something along the lines that "although CALL is the source for lessons learned in the Army, each unit or major command has the ability to capture its own lessons learned."

2) "It takes several months to complete a CALL study." While this may be true, this does not comport with what Mr. Cindrich would testify to about a rapid adaption process. The rapid adaption process is separate from a CALL case study. Mr. Cindrich would testify that the rapid adaption process does not take several months to complete.

Given the above, I would agree to the following:

8. Although CALL is the center for the Army's lessons learned, each unit or major command has the ability to capture its own lessons learned without sharing that information with CALL. I do not know why CALL was not asked to perform a rapid adaption process in this case. It is possible that CALL did not perform a rapid adaption process in this case because either the information leaked did not warrant a rapid adaption response or the Army eliminated the need for a rapid adaption process by taking immediate steps to address any issues presented by the leaks. If CALL had been requested to complete a rapid adaption process, this could have been completed by CALL in a matter of days or weeks. If a rapid adaption was not requested, CALL could have also completed a detailed case study. A detailed case study can take several months to complete. To my knowledge, CALL was not asked to complete a detailed case study on the leaks in this case either.

Let me know what you think about the above. I do not object to another conference call with Mr. Cindrich if you believe one is necessary.

Best,

David

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US)
[mailto:angel.m.overgaard.mil@mail.mil]
<<mailto:angel.m.overgaard.mil@mail.mil>>]

Sent: Friday, February 22, 2013 9:56 AM

To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)

Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY

USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)

Subject: RE: Stip of Expected Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

David,

We initially reviewed the Stipulation with the view that it was going to be used in support of the defense motion, not that it was going to potentially be used at trial. Upon a secondary review with the view that the Stipulation would potentially being admissible at trial, we added a couple of lines to include what we would potentially elicit on cross examination if Mr.

Cindrich was called during the merits or sentencing. I think the additions were discussed during our phone call with Mr. Cindrich. We will sign the attached Stipulation if it is agreeable to the defense. The additions are tracked. Please let me know if you have any issues with the additions. Thank you.

VR

Angel

ANGEL M. OVERGAARD

CPT, JA

Trial Counsel, MDW

Fort McNair, DC

(202) 685-2051/1975

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmartialdefense.com> <<mailto:coombs@armycourtmartialdefense.com>>]

INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.
2. Judge advocate's review pursuant to Article 64(a), if any.
3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.
4. Briefs of counsel submitted after trial, if any (Article 38(c)).
5. DD Form 494, "Court-Martial Data Sheet."
6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.
7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).
9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).
10. Congressional inquiries and replies, if any.
11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.
12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.
13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).
14. Records of former trials.
15. Record of trial in the following order:
 - a. Errata sheet, if any.
 - b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.
 - c. Record of proceedings in court, including Article 39(a) sessions, if any.
 - d. Authentication sheet, followed by certificate of correction, if any.
 - e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.
 - f. Exhibits admitted in evidence.
 - g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.
 - h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.